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

OTHER

Section 2.

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

ARTICLE XIII

Amendment to the Bylaws

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

Abbreviations

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

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>CC</td>
<td>Constitution of the State of California</td>
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<tr>
<td>CCR</td>
<td>California Code of Regulations</td>
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<tr>
<td>Status</td>
<td>Date</td>
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<td>--------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Adopted</td>
<td>April 12, 1985</td>
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<tr>
<td>Amended</td>
<td>February 11, 1987</td>
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<td>June 11, 1993</td>
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<td>Amended</td>
<td>April 11, 2001</td>
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<td>Amended</td>
<td>July 9, 2003</td>
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<tr>
<td>Amended</td>
<td>January 16, 2013</td>
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SBE Agenda for July 2017

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
- Karen Valdes
- Trish Williams
- Olivia Sison, Student Member

Secretary & Executive Officer
- Hon. Tom Torlakson

Executive Director
- Karen Stapf Walters

<table>
<thead>
<tr>
<th>Schedule of Meeting</th>
<th>Location</th>
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<tbody>
<tr>
<td><strong>Wednesday, July 12, 2017</strong></td>
<td><strong>California Department of Education</strong></td>
</tr>
<tr>
<td>8:30 a.m. Pacific Time ±</td>
<td>1430 N Street, Room 1101</td>
</tr>
<tr>
<td>STATE BOARD OF EDUCATION</td>
<td>Sacramento, California 95814</td>
</tr>
<tr>
<td>Public Session. Public Session, adjourn to Closed Session – IF NECESSARY.</td>
<td>916-319-0827</td>
</tr>
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</table>

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

<table>
<thead>
<tr>
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<td>STATE BOARD OF EDUCATION</td>
<td>Sacramento, California 95814</td>
</tr>
<tr>
<td>The Closed Session will take place at approximately 8:30 a.m. (The Public may not attend.)</td>
<td>916-319-0827</td>
</tr>
</tbody>
</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:

- California Parents for the Equalization of Instructional Materials, et. al v. Tom Torlakson in his official capacity and members of the State Board of Education, in their official capacity, et. al, United States District Court (No. Dist. CA), Case No. 4:17-cv-00635
- California School Boards Association, et al v. California State Board of Education and Aspire Public Schools, Inc., Alameda County Superior Court, Case No. 07353566, CA Ct. of Appeal, 1st Dist., Case No. A122485, CA Supreme Court, Case No. S186129
- Cruz et al. v. State of California, State Board of Education, State Department of Education, Tom Torlakson et al., Alameda County Superior Court, Case No. RG14727139
- Devon Torrey-Love v. State of California, Department of Education, State Board of Education, Tom Torlakson, Department of Public Health, Dr. Karen Smith, Director of the Department of Public Health, Placer County Superior Court, Case No. CV-0039311
- D.J. et al. v. State of California, California Department of Education, Tom Torlakson, the State Board of Education, Los Angeles County Superior Court, Case No. BS142775,CA Ct. of Appeal, 2nd Dist., Case No. B260075 and related complaint from the U.S. Department of Justice
- Options for Youth, Burbank, Inc., San Gabriel, Inc. Upland, Inc. and Victor Valley, Notice of Appeal Before the Education Audit Appeals Panel, EAAP Case Nos. 06-18, 06-19-07-07, 07-08 OAH Nos. L2006100966, L2006110025, L20070706022, L2007060728, Los Angeles County Superior Court, Case No. BC 347454
- Reed v. State of California, Los Angeles Unified School District, State Superintendent of Public Instruction, Jack O’Connell, California Department of Education, and State Board of Education, et al., Los Angeles County Superior Court, Case No. BC432420, CA Ct. of Appeal, 2nd Dist., Case No. B230817, CA Supreme Ct., Case No. 5191256
- Vergara et al. v. State of California, Governor Edmund G. Brown, Tom Torlakson, the California Department of Education, the State Board of Education, Los Angeles County Superior Court, Case No. BC484642, CA Ct. of Appeal 2nd Dist., Case No. B253282, B253310

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 12, 2017 – 8:30 a.m. Pacific Time ±
California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

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

- Agenda Items
- Adjournment

AGENDA ITEMS DAY 1

PLEASE NOTE: Individual speakers will be limited to one minute each for public comment for all items Wednesday and Thursday. For items 1 and 3 only, 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 01

Subject: Developing an Integrated Local, State, and Federal Accountability and Continuous Improvement System: Approval of the Suspension of the Academic Performance Index Pursuant to Assembly Bill 99, Section 47 (Chapter 15, Statutes of 2017); Approval of the Eligibility Criteria for Alternative Schools; Update on the California School Dashboard; and Continued Developmental Work of Evaluation Rubrics.

Type of Action: Action, Information

Item 02


Type of Action: Action, Information

Item 03


Type of Action: Action, Information
Item 04

Subject: California Assessment of Student Performance and Progress: Begin the Process of Approving Renewal of Educational Testing Service’s Administration Contract for an Additional Two Years.

Type of Action: Action, Information

Item 05

Subject: Adoption of the California English Learner Roadmap State Board of Education Policy: Educational Programs and Services for English Learners.

Type of Action: Action, Information

Item 06

Subject: California Education for a Global Economy Initiative: Commencement of Rulemaking Process for Amendments to Title 5 of the California Code of Regulations Sections 11300, 11301, 11309, 11310, and 11316 and Adoption of Proposed Sections 11311 and 11312.

Type of Action: Action, Information

WAIVERS / ACTION AND CONSENT ITEMS

The following agenda items include waivers that are proposed for consent and those waivers scheduled for separate action because CDE staff has identified possible opposition, recommended denial, or determined may present new or unusual issues that should be considered by the State Board. Waivers proposed for consent are so indicated on each waiver’s agenda item; however, any board member may remove a waiver from proposed consent and the item may be heard individually. On a case-by-case basis, public testimony may be considered regarding the item, subject to the limits set by the Board President or by the President's designee; and action different from that recommended by CDE staff may be taken.

Charter School Program (Geographic Limitations - Classroom Based)

Item W-01

Subject: Requests by eight local educational agencies to waive portions of Education Code Sections 47605 and 47605.1 for eight charter schools which concern Nonclassroom-Based Charter School Resource Center Location.

Waiver Numbers:

- Acton-Agua Dulce Unified School District 16-3-2017
- Butte County Office of Education 34-3-2017
- Fort Sage Unified School District 15-3-2017
- Lucerne Valley Unified School District 35-5-2017
- Oak Grove Union Elementary School District 10-4-2017
- San Gabriel Unified School District 3-5-2017
- Twin Rivers Unified School District 36-4-2017
Charter School Program (Nonclassroom-Based Funding)

Item W-02

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

Waiver Numbers:

- Fort Sage Unified School District 27-4-2017
- Sacramento City Unified School District 16-4-2017
- Sweetwater Union High School District 37-5-2017
- Tulare Joint Union High School District 29-6-2017

(Recommended for APPROVAL)

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

Item W-03

Subject: Request by Whittier City Elementary School District to waive portions of California Education Code sections 41376(a), (c), and (d) and/or 41378(a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers: 17-1-2017, 18-1-2017

(Recommended for APPROVAL WITH CONDITIONS)

Community Day Schools (CDS) (Commingle Grade Levels)

Item W-04

Subject: Request by two school districts to waive California Education Code Section 48916.1(d), and to waive portions of California Education Code Section 48660, to permit a community day school to serve students in grades six through twelve.

Waiver Numbers:

- Kelseyville Unified School District 36-2-2017
- Reef-Sunset Unified School District 29-4-2017

(Recommended for APPROVAL WITH CONDITIONS)

Equity Length of Time
Item W-05

Subject: Request by two 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:

- Oakley Union Elementary School District 1-5-2017
- Sacramento City Unified School District 26-3-2017

(Recommended for APPROVAL WITH CONDITIONS)

Federal Program Waiver (Carl D. Perkins Voc and Tech Ed Act)

Item W-06

Subject: Request by 11 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:

- Biggs Unified School District Fed-5-2017
- Bret Harte Union High School District Fed-4-2017
- Fort Bragg Unified School District Fed-6-2017
- Gridley Unified School District Fed-1-2017
- Kelseyville Unified School District Fed-8-2017
- Laton Joint Unified School District Fed-7-2017
- Mountain Valley Unified School District Fed-10-2017
- Pierce Joint Unified School District Fed-11-2017
- Plumas Unified School District Fed-12-2017
- Siskiyou Union High School District Fed-9-2017

(Recommended for APPROVAL)

Independent Study Program (Pupil Teacher Ratio)

Item W-07

Subject: Request by the Kingsburg Elementary Charter School District to waive portions of California Education Code Section 51745.6, and California Code of Regulations, Title 5, Section 11704, and portions of Section 11963.4(a)(3), relating to charter school independent study pupil-to-certificated employee ratio to allow an increase from 25:1 to 27.5:1 pupil-to-certificated employee ratio at Central Valley Home School.

Waiver Number: 33-2-2017

(Recommended for APPROVAL WITH CONDITIONS)

Instructional Time Requirement Audit Penalty (Below 1982-83 Base Minimum Minutes)
**Item W-08**

**Subject:** Requests by seven districts and one charter school under the authority of California *Education Code* sections 46206(a) and 47612.6(a), to waive *Education Code* sections 46200, 46201, and 47612.5, the audit penalties for offering insufficient instructional days or minutes during the 2015–16 school year.

**Waiver Numbers:**

- Central Union High School District 12-3-2017
- Coalinga-Huron Unified School District 7-3-2017
- Fullerton Joint Union High School District 6-2-2017
- Lakeside Union Elementary School District 5-4-2017
- Manzanita Charter Middle School 32-3-2017
- Mariposa County Unified School District 8-3-2017
- Napa Valley Unified School District 3-4-2017
- Palo Verde Union Elementary School District 23-3-2017

(Recommended for APPROVAL WITH CONDITIONS)

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**Out-of-State Use of Funds and Transportation Allowances**

**Item W-09**

**Subject:** Request by Fairfield-Suisun Unified School District to waive a portion of California *Education Code* Section 35330(b)(3), to authorize expenditures of school district funds for students to travel out-of-state.

**Waiver Numbers:**

- Fairfield-Suisun Unified School District 12-4-2017
- Fairfield-Suisun Unified School District 17-4-2017

(Recommended for APPROVAL)

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**School District Reorganization (60 day Requirement to Fill Board Vacancy)**

**Item W-10**

**Subject:** Request by Coffee Creek 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:** 24-3-2017

(Recommended for APPROVAL)

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**School District Reorganization (60 day Requirement to Fill Board Vacancy)**

**Item W-11**

Request by Indian Springs Elementary School District to waive portions of California *Education Code* Section 5091, which will allow the board of trustees to make a provisional appointment to a vacant board position past the 60-day statutory deadline.
Waiver Number: 17-3-2017

(Recommended for APPROVAL)

Schoolsite Council Statute (Number and Composition of Members)

Item W-12

Subject: Request by nine 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:

- Brawley Union High School District 34-4-2017
- Briggs Elementary School District 26-4-2017
- Butte County Office of Education 9-3-2017
- Butte County Office of Education 10-3-2017
- Columbia Elementary School District 22-4-2017
- Marin County Office of Education 6-4-2017
- Mariposa County Unified School District 15-4-2017
- Mendota Unified School District 2-5-2017
- Terra Bella Union Elementary School District 6-3-2017
- Tulelake Basin Joint Unified School District 3-3-2017

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Algebra I Requirement for Graduation)

Item W-13

Subject: Request by Natomas Unified School District to waive, for two students with disabilities, California Education Code Section 51224.5(b), the requirement that all students complete a course in Algebra I (or equivalent) to be given a diploma of graduation, consistent with Education Code Section 56101.

Waiver Number: 30-3-2017

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Child Specific/ NPA or NPS Certification)

Item W-14

Subject: Request by Fort Bragg Unified School District to waive California Education Code Section 56366.1(a), the requirement for state certification to allow an uncertified out-of-state nonpublic school, Mount Saint Vincent located in Denver, Colorado, to provide services to a California student with disabilities.

Waiver Number: 11-3-2017

(Recommended for APPROVAL WITH CONDITIONS)
Item W-15

**Subject:** Request by the El Centro Elementary School District to waive *California Code of Regulations*, Title 5, Section 3043(d), which requires a minimum of 20 school days for an extended school year (summer school) for students with disabilities.

**Waiver Number:** 13-3-2017

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Resource Teacher Caseload)

Item W-16

**Subject:** Request by two local educational agencies under the authority of California *Education Code* Section 56101 and *California Code of Regulations*, Title 5, Section 3100, to waive *Education Code* Section 56362(c). Approval of 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:**
- Butte Valley School District 1-4-2017
- Vacaville Unified School District 13-2-2017

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Resource Teacher Caseload)

Item W-17

**Subject:** Request by Lemoore Union Elementary 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 Numbers:**
- Lemoore Union Elementary School District 18-3-2017
- Lemoore Union Elementary School District 20-3-2017
- Lemoore Union Elementary School District 22-3-2017

(Recommended for APPROVAL WITH CONDITIONS)

State Testing Apportionment Report (CAASPP)

Item W-18
Subject: Request by six 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 862(b)(2)(A), regarding the California Assessment of Student Performance and Progress System.

Waiver Numbers:

- Cypress Elementary School District 19-4-2017
- King City Union School District 25-4-2017
- Lafayette Elementary School District 23-4-2017
- San Jacinto Unified 11-4-2017
- Whittier Union High School District 24-4-2017
- Winship-Robbins Elementary School District 21-4-2017

(Recommended for APPROVAL)

Sale or Lease of Surplus Property

Item W-19

Subject: Request by the San Diego Unified School District to waive all or portions of California *Education Code* sections specific to statutory provisions for the sale or lease of surplus property.

Waiver Number: 9-5-2017

(Recommended for APPROVAL WITH CONDITIONS)

END OF WAIVERS

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Item 07

Subject: California Assessment of Student Performance and Progress: Approve Commencement of a 15-Day Public Comment Period for Proposed Amendments to *California Code of Regulations*, Title 5, Sections 850 through 859.

Type of Action: Action, Information

- Item 07 Attachment 4
- Accessible Alternative Version of Item 07 Attachment 4

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Item 08


Type of Action: Action, Information

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Item 09

Subject: Approval of 2016–17 Consolidated Applications.
Item 10

Subject: School Improvement Grant: Request to the U.S. Department of Education for Approval to Amend California’s Fiscal Year 2013 School Improvement Grants Application to Extend the Waiver Previously Granted Under Section 421(b) of the General Education Provisions Act, 20 United States Code Section 1225(b), to Extend the Period of Availability of the Fiscal Year 2013 School Improvement Grant Funds Awarded Under Section 1003(g) of the Elementary and Secondary Education Act of 1965, as Amended, Until September 30, 2018; Approval of the Application and Criteria for Cohort 3 Local Educational Agencies to Extend the Use of Fiscal Year 2013 School Improvement Grant Funds, Including Conditional Approval of Sub-grants Under Section 1003(g) for Local Educational Agencies and Schools Meeting State Board Approved Criteria.

Type of Action: Action, Information

Item 11

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 12

Subject: Instructional Materials Adoptions – Approve Commencement of Proposed Regulations for Instructional Materials Adoptions.

Type of Action: Action, Information

- Item 12 Attachment 4
- Accessible Alternative Version of Item 12 Attachment 4

Item 13


Type of Action: Action, Information

Item 14

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

Type of Action: Action, Information
Item 15

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

Item 16

Subject: Reconsideration of Requests for Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California Education Code Sections 47612.5 and 47634.2, California Code of Regulations Section 11963.6(g), and Associated California Code of Regulations, Title 5.

Type of Action: Action, Information

Item 17

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

Type of Action: Action, Information

ADJOURNMENT OF DAY'S SESSION

CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD AGENDA
Public Session, Day 2

Thursday, July 13, 2017

Thursday, July 13, 2017 – 8:30 a.m. Pacific Time ±
California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

- Call to Order
- Salute to the Flag
- Communications
- Announcements
- Report of the State Superintendent of Public Instruction
- Special Presentations
  
  *Public notice is hereby given that special presentations for informational purposes may take place during this session.*
- Agenda Items
- Adjournment
PLEASE NOTE: Individual speakers will be limited to one minute each for public comment for all items Thursday.

PUBLIC HEARINGS

The following Public Hearings will commence no earlier than 8:30 a.m. on Thursday, July 13, 2017. The Public Hearings listed below will be held as close to 8:30 a.m. as the business of the State Board permits.

Item 18


Type of Action: Hearing, Action, Information

Item 19

Subject: Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Sweetwater Secondary School, which was denied by the Sweetwater Union High School District and the San Diego County Board of Education.

Type of Action: Hearing, Action, Information

- Item 19 Attachment 1

END OF PUBLIC HEARINGS

Item 20

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

Item 21

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. For more information concerning this agenda, please contact the State Board of Education at 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone 916-
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 7, 2017, the Friday prior to the meeting. If you do not meet the deadline, please provide 25 copies to distribute at the meeting.
California State Board of Education
Meeting Agenda Items for July 12-13, 2017

ITEM 01
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2017 AGENDA

SUBJECT
Developing an Integrated Local, State, and Federal Accountability and Continuous Improvement System: Approval of the Suspension of the Academic Performance Index Pursuant to Assembly Bill 99, Section 47 (Chapter 15, Statutes of 2017); Approval of the Eligibility Criteria for Alternative Schools; Update on the California School Dashboard; and Continued Developmental Work of Evaluation Rubrics.

SUMMARY OF THE ISSUE(S)
In each of the past 16 State Board of Education (SBE) meetings, the SBE has received updates on the development and implementation of California’s new accountability system. The Local Control Funding Formula (LCFF), signed into law on July 1, 2013, (Assembly Bill [AB] 97 [Chapter 47, Statutes of 2013]), established the priority areas on which this new system is based. The new local, state, and federal accountability system uses a concise set of state and local indicators to demonstrate the progress of county offices of education, districts, and charter schools toward meeting the needs of their students.

The LCFF required the SBE to develop an accountability tool, known as the evaluation rubrics, to assist local educational agencies (LEAs) to identify strengths, weaknesses, and areas in need of improvement across all LCFF priority areas. The SBE adopted the evaluation rubrics at the September 2016 SBE meeting. California’s new accountability tool, known as the California School Dashboard (Dashboard), incorporates performance data based on the evaluation rubrics to provide parents, educators, and the public with a far more complete picture of our schools.

RECOMMENDATION
The California Department of Education (CDE) recommends that the SBE approve the following:

1. Suspension of the Academic Performance Index (API) pursuant to Assembly Bill 99, Section 47 (Chapter 15, Statutes of 2017).

2. The eligibility criteria that schools must meet to qualify for alternative status, which includes:
a. The “high-risk” student group definitions approved by the SBE in 2003.

b. Seven new “high-risk” definitions specified in Attachment 4.

c. District-operated special education schools be considered as “alternative” if at least 70 percent of the students enrolled in grades three through eight and grade eleven participated in the California Alternative Assessment (CAA).

**BRIEF HISTORY OF KEY ISSUES**

California Education Code (EC) Section 52052 (as amended by AB 484, Chapter 489, Statutes of 2013) authorizes the State Superintendent of Public Instruction to recommend, with the approval of the SBE, suspension of the API for the 2013–14, 2014–15, and 2015–16 school years. AB 99, Chapter 15, Statutes of 2017, extends this authorization to the 2016–17 school year, pending action of the SBE.

As part of the continued development and implementation of the new accountability system, the SBE started the annual review cycle for the Dashboard at their March 2017 meeting. This process includes a review of the CDE developed work plan for the Dashboard at each March SBE meeting, and consideration and approval of any change at each September SBE meeting.

In preparation for the September SBE meeting, the CDE and SBE staff are actively meeting with stakeholders, educators, and the public to ready the Fall 2017 Dashboard as described in Attachments 1 and 5. An update on the CDE-coordinated College/Career Workgroup and California Advisory Task Force on Alternative Schools, which provide programmatic and technical feedback regarding the development of these indicators, is included in Attachments 2 and 3. As a follow up to the SBE discussion at the May 2017 meeting, the CDE is requesting that the SBE take action on the expanded eligibility criteria for alternative schools (Attachment 4). Attachment 6 is a reference to the relevant LCFF statutes.

Note: The July 2017 SBE agenda contains two items related to accountability. In Item 2, the SBE will consider the development of the systems of support for LEAs as required by state and federal law. In a related Item 3, the SBE will consider the options for identifying the lowest-performing five percent of schools under Title 1.

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

In June 2017, the SBE received the following Information Memoranda:
• Smarter Balanced Assessment Growth Model Simulations to Inform Local Educational Agency and School Accountability
  http://www.cde.ca.gov/be/pn/im/documents/memo-asb-adad-jun17item03.doc

• Developing an Integrated Statewide System of Support
  http://www.cde.ca.gov/be/pn/im/documents/memo-exec-ocd-jun17item02.doc

• Update on the School Conditions and Climate Workgroup
  http://www.cde.ca.gov/be/pn/im/documents/memo-exec-ocd-jun17item01.doc

In May 2017, the SBE heard an update on the Dashboard, and received an overview of the recommendations of the English Learner Progress Indicator Workgroup. The SBE took action to approve the development of an application process to require alternative schools of choice and charter schools to re-certify—every three years—that at least 70 percent of their enrollment is comprised of high-risk students (as defined in the SBE-approved eligibility criteria) in order to continue participating as an alternative school in the accountability system.
  (http://www.cde.ca.gov/be/ag/ag/yr17/documents/may17item01.doc)

In March 2017, the SBE heard an update on the development of the new accountability system; an overview of alternative schools in preparation for the development of applicable indicators; a work plan for state indicator development; and an update on the local indicators—specifically, the work by the School Conditions and Climate Work Group.
  (http://www.cde.ca.gov/be/ag/ag/yr17/documents/mar17item02.doc)

In February 2017, the SBE received the following Information Memoranda:

• Updated Summary of SBE Actions Related to Adopting the LCFF Evaluation Rubrics
  (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb17item01v2.doc)

• Update on the LCFF Evaluation Rubrics Components: Statements of Model Practices
  (http://www.cde.ca.gov/be/pn/im/documents/memo-exe-jan17item02.doc)

In January 2017, the SBE approved the Academic Indicator, based on student test scores on English language arts/literacy (ELA) and mathematics for grades three through eight that includes results from the second year of Smarter Balanced tests, as well as the definition of the English Learner (EL) student group for the Academic Indicator. Additionally, the SBE approved the self-reflection tools for LEAs to determine progress on the local performance indicators for Implementation of State Academic Standards (Priority 2) and Parent Engagement (Priority 3).
  (http://www.cde.ca.gov/be/ag/ag/yr17/documents/jan17item02.doc)
Furthermore, the SBE received the following Information Memorandum:

- Update on School Conditions and Climate Workgroup
  (http://www.cde.ca.gov/be/pn/im/documents/memo-exe-jan17item01.doc)

**FISCAL ANALYSIS (AS APPROPRIATE)**

The 2017–18 state budget funds the Proposition 98 Minimum Guarantee at $74.5 billion. This includes an increase of more than $1.4 million to support the continued implementation of LCFF and builds upon the investment of more than $15.7 billion provided over the last four years. This increase brings the formula to 97 percent of full implementation.

**ATTACHMENT(S)**

Attachment 1: Update on the California School Dashboard (3 Pages)

Attachment 2: Update on the College/Career Indicator Workgroup (7 Pages)

Attachment 3: Update on the California Advisory Task Force on Alternative Schools (4 Pages)

Attachment 4: Eligibility Criteria for Alternative Schools Application for Accountability (6 Pages)

Attachment 5: Draft Timeline for the Integrated, Local, State, and Federal Accountability and Continuous Improvement System, Including Outreach with Stakeholders (6 Pages)

Attachment 6: California *Education Code* Sections 52064.5, 47607, 47607.3, 52071, 52071.5, 52072, 52072.5, 52060, 52066, 52064, and 52052 (16 Pages)
Update on the California School Dashboard

The California School Dashboard (Dashboard) (https://www.caschooldashboard.org/) field test continues through fall 2017. In May 2017, the Dashboard received approximately 48,000 page views from 24,300 unique users.

In preparation for the Fall 2017 Dashboard release, the California Department of Education (CDE), State Board of Education (SBE) staff, and WestEd are collaborating to ensure that local educational agencies (LEAs), stakeholders, and the public are familiar with the Dashboard and have a common set of expectations on future improvements. The Fall 2017 Dashboard release commences the first operational year of the Dashboard, meaning that data from the Dashboard will be used to identify LEAs for technical assistance, as required by the Local Control Funding Formula (LCFF).

Although fewer than six months have passed since the LEA preview of the Dashboard began in February 2017, LEAs and other stakeholders have already developed—and, in some cases, begun implementing—specific training on how to use the data in the Dashboard. Additionally, LEAs are using the Dashboard to initiate discussions about the needs of their individual student populations, as well as address these concerns in their Local Control and Accountability Plan (LCAP). The California Collaborative for Educational Excellence has held training workshops and developed resources for county offices of education, school districts, charter schools, and the public that focus in large part on the Dashboard and its relationship to the LCAP.

With this in mind, it is critical that the basic structure of the Dashboard have the same look and feel through the Fall 2017 Dashboard release. Significant changes to Dashboard reports included in those trainings are likely to undermine these efforts to establish a common baseline of understanding and could create confusion, particularly where the existing materials will be used for further trainings this fall. Additionally, feedback on what changes are needed has been mixed and, at times, conflicting.

Discussions regarding structural changes to the Dashboard will continue in the fall and focus on the Fall 2018 Dashboard release, following the first full year of operation. This will allow consistency in the basic structure for the Fall 2017 Dashboard release and allow time for a thorough stakeholder process to inform what structural changes are needed. There are, however, several functionality improvements that staff have prioritized implementing for the Fall 2017 Dashboard release, based on overwhelming, consistent stakeholder feedback.

This update describes all planned functionality updates, report revisions, and stakeholder input opportunities happening prior to the Fall 2017 Dashboard public release tentatively scheduled for December 2017.
Functionality Updates

The primary purpose of the Dashboard is to provide parents, educators, and the public with information they can use to evaluate schools and school districts in an easy-to-understand format. The Dashboard also provides a look at overall student group performance on a concise set of measures, allowing schools and LEAs to identify strengths, weaknesses, and areas in need of improvement. In developing the initial release of the Dashboard, extensive feedback from educators, administrators, parents, and a variety of stakeholders helped to shape the existing reports in the Dashboard.

Since the Spring 2017 Dashboard release in March 2017, the focus has been on feedback regarding how to make the system more user friendly. In response to some of the feedback received, the following items are planned for the Fall 2017 Dashboard release:

- Printer friendly reports (enabling the use of PDFs)
- Increased search functionality to view all schools in a district
- Mobile response page displays
- Ensuring a high-quality Spanish translation using Google Translate

We are also working with our contractor, the San Joaquin County Office of Education, to provide visual examples of the following to help facilitate further user feedback:

- Performance level key and the use of “best” instead of “highest”
- Search result page allowing easy identification of LEA, district, or school
- Alternatives to the Reporting Year dropdown function
- Options for greater visibility to the links to the Five-by-Five Placement Reports
- Placement of the Narrative Box on the reports

Report Revisions

In addition to the functionality updates described above, the Fall 2017 Dashboard release will include new content in the Detailed Reports to show multiple years of data for status and provide additional information on select topics such as the percent of student groups in each of the College/Career Indicator performance levels (see Attachment 2 for additional information about this indicator). This may involve significant changes to the Detailed Reports layout compared to what was included in the field test for the Dashboard. The Detailed Reports were not included in the broad-based trainings discussed above since the release of these reports occurred in April, nearly a month following the original Dashboard release.
Stakeholder Input Opportunities

CDE staff will continue to leverage discussions with stakeholders and others on the continued development of the Dashboard. From July through early September, small-group stakeholder meetings will occur to discuss the functional revisions previously discussed and obtain feedback. Attachment 5 describes specific efforts planned to obtain feedback on state and local indicators in development.
Update on the College/Career Indicator Workgroup

The California Department of Education (CDE) began work on the College/Career Indicator (CCI) in the spring of 2014. The goal of the CCI is to emphasize that a high school diploma should represent the completion of a broad and rigorous course of study that prepares students for postsecondary success. The CCI should include both college and career measures, which recognize that students pursue various options to prepare for postsecondary success and allow for fair comparisons across all local educational agencies (LEAs) and schools.

The State Board of Education (SBE) adopted the CCI as a state indicator at the September 2016 SBE meeting. (See page 6 of this attachment for the measures in the CCI.) During the SBE deliberation, and in subsequent conversations, concerns were expressed that the CCI did not contain enough career measures. To explore how to provide a better balance of college and career measures in the CCI, the CDE established a CCI Work Group to provide recommendations on this topic.

The CCI Work Group members include researchers, business representatives, and Career Technical Education (CTE) subject matter experts from throughout the state of California. (Note: the complete CCI Work Group roster is available in Attachment 2 of the SBE May 2017 Agenda [http://www.cde.ca.gov/be/ag/ag/yr17/documents/may17item01.doc].) The charge of the CCI Work Group is threefold:

1. Determine if additional career measures are available and can be incorporated in the CCI for the Fall 2017 Dashboard.

2. Determine additional career data to collect through the current course code submission in the California Longitudinal Pupil Achievement Data System (CALPADS), for inclusion in the CCI for a future Dashboard release.

3. Determine if there is a viable methodology for including all CCI performance levels (“Not Prepared”, “Approaching Prepared”, and “Prepared”) in the CCI calculation.

The CCI Work Group met in April and May 2017, and will convene again in July 2017. At the initial April 2017 CCI Work Group meeting, which occurred via WebEx, CDE staff presented the background, current methodology, and potential future CCI measures as described in an August 2016 Information Memorandum to the SBE (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-aug16item01.doc). The purpose of the first meeting was to provide the CCI Work Group members with an overview of the CCI and obtain feedback on the data they wanted to review at the May 2017 meeting.
To ensure timely opportunities for stakeholders to provide feedback, the CDE scheduled stakeholder meetings immediately following each CCI Work Group meeting. The purpose of the stakeholder meetings is to obtain feedback from statewide education organizations, advocacy/equity organizations, and other interested parties regarding the CCI Work Group recommendations prior to presenting them to the Technical Design Group (TDG) and ultimately the SBE at their September 2017 meeting.

**Recommended Revisions for the Fall 2017 Dashboard**

At their May 2017 meeting, the CCI Work Group reviewed career data that are currently collected in CALPADS for potential inclusion in the CCI for the Fall 2017 Dashboard. They also reviewed and considered individual CTE course data, California Partnership Academies (CPA), and Work Experience Education data.

The CDE shared with the CCI Work Group members that California Longitudinal Pupil Achievement Data System (CALPADS) contains more than 15,315 individual CTE course titles. The number and diversity of CTE course titles make it very difficult for the CDE to determine content, or consistency of content, across LEAs and schools. For example, LEAs may define courses that students often consider electives (e.g., Jazz, Drama, Living Alone, Teen Parenting, etc.) as CTE course titles in CALPADS. Based on this information, the CCI Work Group determined that incorporating individual CTE courses was not a viable option for the CCI in the Fall 2017 Dashboard release.

The CCI Work Group expressed an interest in including the CPA model as a separate measure in the CCI. The CPA is a three-year program (grade ten through grade twelve) structured as a school-within-a-school that incorporates integrated academic and career education, business partnerships, mentoring, and internships. The CPA provides students with the opportunity to complete a CTE pathway through an integrated program, which research indicate provides a positive impact on student outcomes.

However, instead of incorporating specific programs in the CCI, the CDE is considering recommending the collection of important program attributes in CALPADS (e.g., integration, work-based learning, etc.) to the SBE at their September 2017 meeting. The collection of program attributes allows for consistency and stability of the data over time, and provides credit to schools that have programs with the desired attributes, regardless of the program name. For example, one of the criteria for the CCI "Prepared" performance level is the completion of both a-g courses and a CTE pathway—attributes of the Linked Learning program. As such, schools with a Linked Learning program will obtain credit for students who successfully complete the program without directly identifying Linked Learning in the CCI. The CCI Work Group will consider program attributes that they would recommend collecting through CALPADS at their July meeting.
The CCI Work Group also discussed the addition of Work Experience Education data collected through CALPADS to the CCI. Three types of work-based experience data are currently collected:

1. Career Technical Work Experience Education
2. Exploratory Work Experience Education
3. General Work Experience Education

The CCI Work Group unanimously agreed that the definitions for these data were not specific or rigorous enough to include in the CCI as a career measure at this time. As a result, the CCI Work Group determined that no additional career measures can be incorporated in the CCI for the Fall 2017 Dashboard. The inclusion of CTE pathways provides the only viable career data currently available and is incorporated in three of the nine CCI criteria.

At the May 2017 CCI Stakeholder meeting, attendees agreed with the CCI Work Group’s conclusion that no additional career measures are currently available for inclusion in the CCI. Therefore, the CDE anticipates recommending to the SBE at their September 2017 meeting that the career measures for the CCI remain the same for the Fall 2017 Dashboard release.

Methodology

The CCI methodology previously adopted by the SBE uses the percent of students at the “Prepared” level to set cut scores and assign performance levels (See page 6). The CCI Work Group and stakeholders recommended the use of all three CCI performance levels (“Not Prepared”, “Approaching Prepared”, and “Prepared”) to set the cut scores. The CDE received two specific recommended methodologies for incorporating all the performance levels in the CCI calculation.

The basis for both methodologies is to produce an average, either a weighted or a simple average. Simulations indicated that both methods provide similar outcomes. However, since a simple average is easier to communicate, the CCI Work Group received and provided feedback on these results. The average methodology used a point structure, which assigned two points to the “Prepared” level, one point to the “Approaching Prepared” level, and zero points to the “Not Prepared” level of the CCI. The hypothesis was that a schoolwide average that is closer to “2” would signal that most of a school’s students are “Prepared”, while a schoolwide average that is closer to “1” would signal that most of the school’s students are “Approaching Prepared”. However, the results showed that there were wide variations in the percent of students at each level in schools with the same average score.

Below are the results for a select number of schools with an average score of “1” (Note: 169 schools received an average score of “1”).
<table>
<thead>
<tr>
<th>Percentage of “Prepared” Students</th>
<th>Percentage of “Approaching Prepared” Students</th>
<th>Percentage of “Not Prepared” Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.67%</td>
<td>84.44%</td>
<td>8.89%</td>
</tr>
<tr>
<td>14.61%</td>
<td>67.64%</td>
<td>17.75%</td>
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<tr>
<td>25.05%</td>
<td>47.19%</td>
<td>27.77%</td>
</tr>
<tr>
<td>33%</td>
<td>33.5%</td>
<td>33.5%</td>
</tr>
</tbody>
</table>

Based on these results, CDE staff determined that using an average methodology provides limited information that may not be meaningful to schools or the public. This is because the results do not convey information that can be accurately interpreted without additional data. For example, to know what a score of “1” represents at a specific school, the public would need to review the data provided in the detailed reports. The average methodology also does not sufficiently differentiate among LEAs or schools because there are only three performance levels. Therefore, setting performance standards for each level of the CCI would be difficult.

Both the CCI Work Group and stakeholders indicated that the average methodology was not ideal; however, they continued to support using all performance levels to calculate the CCI. Unfortunately, neither group provided alternative options for CDE staff to explore.

The TDG reviewed the average methodology at their June 2017 meeting. The TDG provided feedback that the average methodology does not provide meaningful information for LEAs, schools, or the public. They agreed that the current methodology presents more meaningful information in the Equity Report and the Status and Change Reports on the Dashboard because no additional data is needed to accurately interpret the information.

The TDG expressed concerns that using an average would detract from the original intent of using the Graduation Rate Indicator and the CCI to provide complementary information. The intent of the Graduation Rate Indicator is to provide information on the percent of students who graduated, and the intent of the CCI is to provide information on how many of those graduates are ready for postsecondary. In addition, because the current CCI methodology automatically assigns non-graduates to the “Not Prepared” performance level, it provides two additional benefits. First, it may incentivize LEAs to graduate more students since CCI credit is not attainable unless the student graduates. Second, it indirectly measures those characteristics that are highly valued but difficult to measure, such as perseverance and determination.
In addition, the TDG agreed that it is difficult to differentiate among LEAs or schools with only three performance levels. Based on the feedback described in this attachment, the CDE plans to recommend, at the September 2017 SBE meeting, that the current methodology based on the percent of students in the “Prepared” performance level remain the same.

Once the CCI incorporates the “Well Prepared” performance level, the CDE will review the CCI methodology. The TDG provided feedback that having four performance levels may allow a more viable methodology to include all CCI performance levels.

Future Dashboards

The CDE anticipates recommending the incorporation of the career exams for Advanced Placement (AP) and International Baccalaureate in the CCI for the Fall 2017 Dashboard release. Additionally, to provide information on all the CCI performance levels, a revised Detailed Report will display the percent of student groups in each of the CCI performance levels. Time and staff resources permitting, these reports may also display each CCI criteria and the percent of students meeting those criteria. For example, the report may include the percentage of students passing two AP exams, which is one of the criterion for the “Prepared” performance level.

CDE anticipates recommending that the Fall 2018 Dashboard will incorporate the State Seal of Biliteracy data in the CCI, which are being collected in CALPADS for the first time in 2017.

Next Steps

The July 2017 CCI Work Group and stakeholder meetings will focus on determining the collection of career data through CALPADS. CDE staff anticipate exploring Work Based Learning/Internships, Articulated/Integrated Pathways, and Industry Certifications in addition to any other recommended measures.

The CDE will provide a summary of the CCI Work Group, stakeholder, and TDG recommendations in an August SBE Information Memorandum. The CDE is committed to working collaboratively to identify the collection of new career data and its incorporation into the CCI as soon as possible. Therefore, the August SBE Memorandum will also include a three-year CCI implementation plan.

Additionally, the CDE is currently calculating the CCI for the 2015–16 graduation cohort—the first cohort to take the first operational grade eleven Smarter Balanced Assessments in 2014–15. The CDE will analyze the calculations to determine whether significant differences exist between the results of these two data sets and the data set used for simulations last fall (based on the 2013–14 graduation cohort that took the EAP based on the former Standardized Testing and Reporting assessment program).
TDG will be asked to review these results and provide feedback on whether new CCI cut scores should be considered for recommendation to the SBE for approval at the September 2017 SBE meeting. (Note: The due date for LEAs to submit the 2016–17 graduation cohort data is December 15, 2017 and the amendment window closes January 26, 2018. Therefore, this data cannot be included in the Fall 2017 Dashboard release. The timeline for submitting graduation data will be revised beginning with the 2017–18 graduation cohort to allow the reporting of the most recent graduation data in the Dashboard.)
College/Career Indicator Model

All students in the four-year graduation cohort minus students who take the California Alternate Assessment.

WELL PREPARED – To Be Determined

The College/Career Indicator (CCI) measures for “Well Prepared” will be determined following further review of potential state and local CCI measures as statewide data becomes available. California Department of Education staff, with input from education researchers, practitioners, and stakeholders, will evaluate the CCI model through the first phase of the Local Control Funding Formula evaluation rubrics and will propose a revised CCI model for implementation in 2017–18.

PREPARED

Does the graduate meet at least 1 measure below?

High School Diploma and any one of the following:
A. Career Technical Education (CTE) Pathway Completion plus one of the following criteria:
   - Smarter Balanced Summative Assessments: At least a Level 3 “Standard Met” on English language arts/literacy (ELA) or Mathematics and at least a Level 2 “Standard Nearly Met” in the other subject area
   - One semester/two quarters of Dual Enrollment with passing grade (Academic/CTE subjects)
B. At least a Level 3 “Standard Met” on both ELA and Mathematics on Smarter Balanced Summative Assessments
C. Completion of two semesters/three quarters of Dual Enrollment with a passing grade (Academic and/or CTE subjects)
D. Passing Score on two Advanced Placement (AP) Exams or two International Baccalaureate (IB) Exams
E. Completion of courses that meet the University of California (UC) a-g criteria plus one of the following criteria:
   - CTE Pathway completion
   - Smarter Balanced Summative Assessments: At least a Level 3 “Standard Met” on ELA or Mathematics and at least a Level 2 “Standard Nearly Met” in the other subject area
   - One semester/two quarters of Dual Enrollment with passing grade (Academic/CTE subjects)
   - Passing score on one AP Exam OR on one IB Exam

APPROACHING PREPARED

Does the graduate meet at least 1 measure below?

High School Diploma and any one of the following:
A. CTE Pathway completion
B. Scored at least Level 2 “Standard Nearly Met” on both ELA and Mathematics Smarter Balanced Summative Assessments
C. Completion of one semester/two quarters of Dual Enrollment with passing grade (Academic/CTE subjects)
D. Completion of courses that meet the UC a-g criteria

NOT PREPARED

Student did not meet any measures above, so considered NOT PREPARED

Note: The following measures will be explored as statewide data becomes available:
- Articulated CTE Pathway
- Work Experience/Career Internship
- AP/IB Career Program
- State Seal of Biliteracy
- Golden State Seal Merit Diploma

Further Exploration on the following:
- Course Information
- Industry Certificate
- Additional career related data elements (e.g., Career Pathways Trust and CTE Incentive Grant)
- Pilot career ready assessments (i.e., National Occupational Competency Testing Institute)
Update on the Alternative Schools Taskforce

In May 2017, a first meeting of the California Advisory Task Force on Alternative Schools (Task Force) was convened with Cindy Kazanis of the California Department of Education (CDE) acting as Task Force Chair, and Jorge Ruiz de Valesco of Stanford University acting as Project Staff Director. A full list of Task Force members may be found at the end of this attachment.

Purpose

The broad purpose of the Task Force is to build consensus among educators, policymakers, and school administrators with direct responsibility for alternative schools about what state and local school accountability levers would best incentivize instructional innovation and improved educational outcomes for youth in alternative schools. Task Force members will develop a set of recommendations to the CDE consistent with California’s new accountability and continuous improvement system, as well as federal accountability requirements, to inform adoption of effective state and local accountability measures for alternative option schools, including continuation schools, district and county community day schools, alternative option charter schools, and other schools that meet the definition of alternative schools in California Education Code (EC) Section 52052(g).

Organization and Composition

The Task Force is a project of the John W. Gardner Center for Youth and Their Communities at Stanford University, a not for profit, nonpartisan research and education organization that supports research/practice partnerships to improve organizational effectiveness and continuous learning and improvement among youth-serving public organizations. The Gardner Center at Stanford convenes and provides staff support to the Task Force with a grant from the Stuart Foundation.

General membership includes staff to the CDE, the California Legislature, school administrators and educators drawn from a cross section of county offices of education, school districts, and charter school leaders, including current and former principals and teachers.

Summary of First Meeting

At the first meeting, CDE staff briefed Task Force members on the status of California’s developing school improvement and accountability system. CDE staff also briefed members on the charge from the State Board of Education—to develop indicators for alternative schools that evaluate the success and progress of these schools based on the Local Control Funding Formula (LCFF) state priorities and accountability
requirements in the Every Student Succeeds Act. The object is for the state to develop one accountability system for all schools, which includes measures that are appropriate to the goals and objectives of alternative schools and that will incentivize continuous organizational learning and improvement of student outcomes in those schools.

Following the CDE briefing, the following presentations were made as framing and background for Task Force members:

- Staff from the Gardner Center at Stanford reviewed enrollment, demographic, attendance, and other descriptive data, focusing on the two largest categories of alternative options schools in the California public system: continuation high schools, and county- and district-operated community day schools.

- Diana Walsh-Reuss, member, Student Programs and Services Steering Committee, California County Superintendents Educational Services Association (CCSESA), briefed Task Force members on an evolving alternative school accountability framework currently under discussion within CCSESA.

- Erin Simon, President, Education Options Council, Association of California School Administrators, briefed Task Force members on a range of district- and school-level accountability measures that practitioners in alternative schools are currently using voluntarily to track student progress to graduation, and continued post-secondary learning youth development.

At the conclusion of these briefings, Task Force members discussed broad goals and objectives. These included the following:

- The Task Force and its subcommittee may meet through the summer of 2018 to inform the Fall 2018 California School Dashboard.

- A central goal is to recommend alternative and multiple measures that are consistent with the state Local Control and Accountability Plan (LCAP) priorities and federal requirements, but that allow alternative schools to demonstrate progress and that will incentivize continuous improvement.

- When developing alternative indicators, statewide data sources, such as the California Longitudinal Pupil Achievement Data System (CALPADS), should be used (when available) for meeting LCAP priorities 2 and 4, as well as for determining the student attendance and suspension/expulsion metrics that would relate to priorities 5 and 6.

- Recommendations for local indicators might help advance LCAP areas where state data does not currently provide a full picture (e.g., school climate, parent engagement, Williams compliance, and course access).
Local indicators might allow flexibility by school type, including charters, as different schools might have different needs and populations or might serve specific targeted populations (e.g., pregnant and parenting teens).

Suggestions for standardizing school climate data drawn from local surveys.

- There is also a need to identify higher performing alternative schools and to report on best or innovative practices in instruction, school organizations, and administration, which are particularly relevant to youth in alternative settings.

After the meeting, Task Force members organized into three technical subcommittees to begin consideration of accountability measures along three domains:

1. Statewide Academic Achievement and Progress Measures for Alternative Schools

2. Local Accountability Measures for Student Success, Persistence and School Engagement

3. Identification of Best Practices and Innovation in alternative school Instruction, Administration, and Community/Family Engagement

Each of these technical subcommittees agreed to meet again over the summer and fall of 2017 to report back on progress to the full group at a full Task Force meeting tentatively scheduled for October 2017.

The “Best Practices” subcommittee will not focus on making recommendations to the CDE, but rather will focus on a process for documenting and disseminating best practices as they find representation in California alternative schools through the Gardner Center at Stanford.

**California Advisory Task Force on Alternative Schools Member List**

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Local Educational Agency/Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alysse Castro</td>
<td>Executive Director, Alternative High Schools</td>
<td>San Francisco Unified School District</td>
</tr>
<tr>
<td>Alaina Moonves</td>
<td>Senior Staff Attorney, Statewide Education Rights</td>
<td>Alliance for Children’s Rights</td>
</tr>
<tr>
<td>Daisy Gonzales</td>
<td>Education Consultant</td>
<td>California State Assembly</td>
</tr>
<tr>
<td>Debra Duardo</td>
<td>Superintendent</td>
<td>Los Angeles County Office of Education</td>
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<tr>
<td>Diana Walsh-Reuss</td>
<td>Associate Superintendent</td>
<td>Riverside County Office of Education</td>
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<tr>
<td>Name</td>
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<tr>
<td>Diane Grotjohn</td>
<td>Consultant</td>
<td>APLUS</td>
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<tr>
<td>Elisha Arrillaga</td>
<td>Director</td>
<td>Career Ladders Project</td>
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<tr>
<td>Elsbeth Prigmore</td>
<td>Principal</td>
<td>Shasta Union High School District</td>
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<tr>
<td>Erin Simon</td>
<td>Director, Student Support Services</td>
<td>Long Beach Unified School District</td>
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<tr>
<td>Ernie Silva</td>
<td>Executive Director</td>
<td>SIA Tech Schools</td>
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<tr>
<td>Jina Reed</td>
<td>Program Specialist, ACCESS</td>
<td>Orange County Office of Education</td>
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<tr>
<td>Jorge Aguilar</td>
<td>Superintendent</td>
<td>Sacramento Unified School District</td>
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<tr>
<td>Lucia Mortiz</td>
<td>Executive Director Alternative Schools</td>
<td>Oakland Unified School District</td>
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<tr>
<td>Lynn Lorber</td>
<td>Chief Consultant/Staff Director</td>
<td>California State Senate Education Committee</td>
</tr>
<tr>
<td>Machele Kilgore</td>
<td>Executive Director</td>
<td>California Consortium of Independent Study</td>
</tr>
<tr>
<td>Mary Ann Dewan</td>
<td>Deputy Superintendent</td>
<td>Santa Clara County Office of Education</td>
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<tr>
<td>Mike Ervin</td>
<td>Principal/Superintendent</td>
<td>Home Tech Charter School</td>
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<tr>
<td>Milisav (Mike) Ilic</td>
<td>Administrative Director, Instructional Support</td>
<td>Corona-Norco Unified School District</td>
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<tr>
<td>Phil Matero</td>
<td>Founder &amp; CEO</td>
<td>Youth Build Charter School of California</td>
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<tr>
<td>Robert Eiseman</td>
<td>Principal</td>
<td>Los Angeles Unified School District</td>
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<tr>
<td>Robin Pierson</td>
<td>Assistant Superintendent, Special Education</td>
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<td>Roger Rice</td>
<td>Deputy Superintendent, Student Services</td>
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<td>Steve Good</td>
<td>Executive Director</td>
<td>Five Keys Charter Schools</td>
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<tr>
<td>Yolanda Jimenez-Ruiz</td>
<td>Principal</td>
<td>Fresno Unified School District</td>
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</table>
Eligibility Criteria for Alternative Schools Application for Accountability

The State Board of Education (SBE) adopted the Local Control Funding Formula (LCFF) evaluation rubrics, including the performance standards for all local performance indicators and state indicators, at their September 2016 and January 2017 meetings. During the development of the evaluation rubrics, the SBE and stakeholders raised concerns that the state indicators and standards did not fairly evaluate the success or progress of alternative schools that serve high-risk students. As a result, under the direction of the SBE, the California Department of Education (CDE) began exploring the development of robust accountability indicators for alternative schools.

The current process identifies schools as “alternative” through one of two methods:

1. They have a school type identified in California Education Code (EC) Section 52052(g), which automatically qualifies them with an alternative status, or

2. They are alternative schools of choice or charter schools that qualify for alternative status through an application process, which requires the school to have at least 70 percent of their enrollment comprised of high-risk students.

Because alternative schools will not be held accountable to the evaluation rubric standards developed for traditional (non-alternative) schools, they will not be included in the Fall 2017 California School Dashboard (Dashboard). At the May 2017 SBE meeting, the SBE approved the CDE’s recommendation to require alternative schools of choice and charter schools, identified as alternative under the prior Alternative Schools Accountability Model (ASAM), to reapply for alternative status for the new multiple measures accountability system. The CDE also informed the SBE of its intent to bring a revised definition of “high-risk” students to the July SBE meeting after obtaining feedback from the Statewide Advisory Taskforce on Alternative Education Accountability, the Technical Design Group (TDG), and other education stakeholders.

This attachment includes proposed eligibility criteria that schools must meet to qualify for alternative schools status based on stakeholder feedback. It also provides information on the types of schools that would be eligible and held accountable under alternative indicators.

Recommendation

The CDE recommends that the SBE approve the revised eligibility criteria that schools must meet to qualify for alternative status, which includes: (1) the “high-risk” student group definitions approved by the SBE in 2003 and (2) seven new “high-risk” definitions. In addition, the CDE recommends that the SBE approve the recommendation that district-operated special education schools, be automatically considered as “alternative”
if at least 70 percent of the students enrolled in grades three through eight and grade eleven participated in the CAA.

**Background**

As referenced in the October 2016 SBE Information Memorandum, Introduction to the Development of a New Alternative Accountability System (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-oct16item03.doc), under the direction of the SBE, the CDE began exploring the development of robust accountability indicators for alternative schools. This was in response to SBE members and stakeholders raising concerns that the measures and standards did not fairly evaluate the success or progress of alternative schools that serve high-risk students.

At the March 2017 SBE meeting, an alternative education researcher and practitioners presented an overview of alternative schools in preparation for the development of indicators for alternative schools. (http://www.cde.ca.gov/be/ag/ag/yr17/documents/mar17item02.doc.)

At the May 2017 SBE meeting, the SBE approved an application process to require alternative schools of choice and charter schools to re-certify—every three years—that at least 70 percent of their enrollment is comprised of high-risk students (as defined in the SBE-approved eligibility criteria) in order to continue participating as an alternative school in the accountability system. (http://www.cde.ca.gov/be/ag/ag/yr17/documents/may17item01.doc).

As described in Attachment 3, the CDE, in collaboration with the Gardner Center at Stanford University (through a grant from the Stuart Foundation), is coordinating the California Advisory Task Force on Alternative Schools (Task Force on Alternative Schools) to focus on alternative school accountability. The Task Force on Alternative Schools held its first meeting in May 2017 to begin the development of appropriate alternative indicators to recommend for inclusion by the SBE in the Fall 2018 Dashboard.

The Task Force on Alternative Schools also reviewed and provided feedback on the alternative schools eligibility criteria. In addition, the CDE also sought feedback from other stakeholder groups, such as the TDG, Regional Assessment Network, Advisory Commission on Special Education (ACSE), and a stakeholder group consisting of representatives from various education statewide organizations and advocacy groups.
Revised Eligibility Criteria for Alternative Schools Application

EC Section 52052(g) identifies schools automatically considered “alternative” based on school type and will have their performance reported using the alternative indicators, when developed. The school types identified in EC Section 52052(g) are:

- Continuation
- County or District Community Day
- Opportunity
- County Community
- Juvenile Court
- California Education Authority, Division of Juvenile Justice
- Nonpublic, nonsectarian schools
- County-Run Special Education Schools

EC does not identify alternative schools of choice and charter schools. To obtain “alternative” status, these schools must apply and meet the SBE-adopted eligibility criteria.

Based on the action at the May 2017 SBE meeting, alternative schools of choice and charter schools (i.e., schools that are not explicitly defined as alternative schools in EC Section 52052[g]) must re-apply for alternative status, and re-certify every three years, that at least 70 percent of their enrollment is comprised of high-risk students. The definition of “high-risk” students is as follows:

Criteria Adopted by the SBE in 2003:

- Expelled (EC Section 48925[b]) including situations in which enforcement of the expulsion order was suspended (EC Section 48917)
- Suspended (EC Section 48925[d]) more than 10 days in a school year
- Wards of the Court (WIC Section 601 or 602) or dependents of the court (WIC Section 300 or 654)
- Pregnant and/or Parenting
- Recovered Dropouts
- Habitually Truant (EC Section 48262) or Habitually Insubordinate and Disorderly whose attendance at the school is directed by a school attendance review board or probation officer (EC Section 48263)
- Retained more than once in kindergarten through grade eight
Additional Proposed Criteria:

1. Define recovered dropouts based on EC Section 52052.3(b) as students who: (1) are designated as dropouts pursuant to the exit and withdraw codes in the California Longitudinal Pupil Achievement Data System (CALPADS), or (2) left school and were not enrolled in a school for a period of 180 days.

2. Students who are credit deficient (i.e., students who are one semester or more behind in the credits required to graduate on-time, per grade level, from the enrolling school’s credit requirements)

3. Students with a gap in enrollment (i.e., students who have not been in any school during the 45 days prior to enrollment in the current school, where the 45 days does not include non-instructional days such as summer break, holiday break, off-track, and other days when a school is closed)

4. Students with high level transiency (i.e., students who have been enrolled in more than two schools during the past academic year or have changed secondary schools more than two times since entering high school)

5. Foster Youth (EC Section 42238.01[b])

6. Homeless Youth

7. Emotionally disturbed students (34 California Federal Regulations Section 300.8[c][4])

District-Operated Special Education Schools

The CDE proposes that district-operated special education schools (i.e., schools that only provide services to students with disabilities) automatically be considered alternative schools if at least 70 percent of the students enrolled in grades three through eight and grade eleven participated in the CAA. These schools will not be required to submit an application for “alternative” status and will be held accountable under the standards adopted by the SBE for alternative indicators. All other district-operated special education schools will be required to submit an application for alternative status.

Stakeholder Input

The CDE received the following feedback on the proposed additional definitions of “high-risk”:

- **At least 70 percent of enrollment is comprised of high-risk students**: The Task Force on Alternative Schools agreed that only schools with at least 70 percent of their enrollment comprised of high-risk students be eligible for
alternative status. They provided feedback that removing schools from the current accountability system is high-stakes and only those schools that serve a large high-risk population be accountable to alternative indicators. The Task Force on Alternative Schools also supported maintaining that the percent of high-risk students be 70 percent. The TDG and other stakeholder groups concurred with this recommendation.

- **Credit-deficient students**: The Task Force on Alternative Schools provided feedback on the definition of students labeled as credit-deficient being behind one year or more in credits was “too late,” and that students struggle to graduate on time if they are even one semester behind schedule. Therefore, the Task Force on Alternative Schools recommended reducing the timeframe for the definition to being behind by “one semester.” The TDG and other stakeholder groups concurred with this recommendation.

- **Gap in enrollment**: The Task Force on Alternative Schools strongly encouraged reducing the proposed gap of enrollment from 90 days to 45 days. Because a 90-day gap in enrollment is roughly equivalent to three months, the Task Force on Alternative School expressed concerns that this was too long of a period to be absent from school. The TDG and other stakeholder groups concurred with this recommendation.

- **Additional high-risk students**: When asked if there were any additional high-risk students to include in the eligibility criteria, stakeholders offered the following recommendations:
  - Foster youth
  - Homeless youth
  - Emotionally/socially disturbed students

- **District-operated special education schools**: In response to the proposal on whether or not district-operated special education schools should automatically be considered “alternative,” multiple stakeholders expressed the concern that a variety of special education schools exist, each serving very different student populations. For instance, some special education schools primarily provide services to students with cognitive disabilities, whereas others provide services to students with only physical disabilities. Therefore, it is more appropriate for some special education schools to be accountable to the standards set for traditional schools. As a result, automatically identifying all district-operated special education schools as “alternative” may not be appropriate.

However, to reduce the burden of requiring all districts to apply for alternative status, the ACSE proposed to automatically identify these schools as alternative if at least 70 percent of the students enrolled in grades three through eight and grade eleven participated in the CAA.
Next Steps

The Spring 2017 Dashboard release excluded alternative schools pending the development of alternative indicators. Pending SBE approval of the eligibility criteria for schools to apply for “alternative” status, the CDE will release the alternative schools application in August 2017. In order to be considered for exclusion from the Fall 2017 Dashboard, schools will be required to submit their application by October 6, 2017.

All schools approved through the application process, along with those schools automatically identified as “alternative” through the EC, will be excluded from the Fall 2017 Dashboard. However, these schools will be required to meet the alternative indicators that are being developed for inclusion into the Fall 2018 Dashboard.
Draft Timeline for the Integrated, Local, State, and Federal Accountability and Continuous Improvement System, Including Outreach with Stakeholders

This attachment provides a summary of stakeholder input opportunities and completed work on the ongoing development of the accountability system since the State Board of Education (SBE) May 2017 meeting. This attachment also provides an easy to read timeline of current and future accountability related tasks through the release of the Fall 2018 California School Dashboard (Dashboard). Please refer to Attachment 1 for detailed information related to the Dashboard. Specially, the following groups met during this period:

- **California Practitioners Advisory Group (CPAG)**

- **School Conditions and Climate Work Group (CCWG)**
  The CDE convened the CCWG to explore options for the further development of school conditions and climate measures in California’s accountability and continuous improvement system. The role of the CCWG is advisory to the State Superintendent of Public Instruction and the CDE. The CCWG includes a broad range of stakeholders with various perspectives to assist in developing advisory recommendations to the CDE for creating and using school conditions and climate metrics. The CCWG has met monthly from September 2016 through June 2017 to continue developing and refining recommendations to the CDE. Stakeholder engagement sessions were held in January, March, and May of 2017. Note: For additional information on the CCWG, please refer to the June SBE Information Memorandum, which provided an Update on the School Conditions and Climate Work Group ([http://www.cde.ca.gov/be/pn/im/documents/memo-exec-oed-jun17item01.doc](http://www.cde.ca.gov/be/pn/im/documents/memo-exec-oed-jun17item01.doc)).

- **College/Career Indicator (CCI) Work Group**
  The CCI met on May 19, 2017, and discussed: (a) inclusion of career data currently available in the California Longitudinal Pupil Achievement Data System (CALPADS) that is not currently included in the CCI, (b) possible career data for future CALPADS collections, and (c) new calculation methodologies that would incorporate all students’ high school cumulative achievement in the CCI results. The CCI Work Group will meet in July 2017 to discuss a long-term development
plan for the CCI indicator to recommend to the CDE for consideration at the September 2017 SBE meeting. Note: For an in-depth overview of the CCI Work Group, please refer to Attachment 2.

- **California Advisory Task Force on Alternative Schools**
  The Task Force on Alternative Schools met on May 19, 2017, and discussed the purpose for the Task Force, received an overview of the new accountability system, and provided feedback on the definition of “at-risk students”. Members also heard from representatives of statewide educational associations about their work on recommendations for alternative schools in the new accountability system. The Task Force on Alternative Schools then discussed future work in preparation of a summer/fall meeting. Note: For an overview of the California Advisory Task Force on Alternative Schools (Task Force on Alternative Schools), please refer to Attachments 3 and 4.
Table 1. Timeline for Ongoing Developmental Activities for State and Local Indicators

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Work Completed Through June 2017</th>
<th>July 2017–November 2017</th>
<th>December 2017–March 2018</th>
<th>April 2018–November 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Academic) English Language Arts and Mathematics</td>
<td>• Completed English Language Arts and Mathematics Academic Indicators and reported in the Spring 2017 Dashboard.</td>
<td>• Calculate updated status and change based on 2017 Smarter Balanced assessment results for the Fall 2017 Dashboard release.</td>
<td>• CDE staff and testing vendor, along with assistance from the TDG, will explore growth model methodologies that meet the SBE-determined criteria.</td>
<td>• If growth model development moves forward, CDE staff and testing vendor, along with assistance from the TDG, will complete simulations of growth models and provide updates at the May and July 2018 SBE meetings.</td>
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<tr>
<td></td>
<td></td>
<td>• CDE staff, with assistance from the Technical Design Group (TDG), will bring recommendations on the incorporation of the California Alternate Assessment (CAA) scores in the Academic Indicator to the July 2017 SBE meeting.</td>
<td>• CDE will provide options for recommended growth models at the March 2018 SBE meeting. The CDE will also provide a recommendation on whether staff should move forward with the development of a growth model.</td>
<td>• CDE requests approval of a growth model for inclusion in the Fall 2018 Dashboard release at the September 2018 SBE meeting.</td>
</tr>
<tr>
<td>English Learner Progress</td>
<td>• Completed English Learner Progress Indicator (ELPI) and reported in the Spring 2017 Dashboard.</td>
<td>• Implement any ELPI Work Group recommendations approved by the SBE at September 2017 meeting for the Fall 2017 Dashboard release.</td>
<td>• The ELPI will be included in the March 2018 SBE item as one of the indicators updated for the Fall 2018 Dashboard release.</td>
<td>• ELPAC Summative Assessment fully operational (spring 2018).</td>
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<tr>
<td></td>
<td>• ELPI Work Group recommendations on the incorporation of the long-term English Language (EL) data in the ELPI provided to the SBE (May 2017).</td>
<td>• ELPAC\textsuperscript{2} summative field test administration (Spring 2017).</td>
<td></td>
<td>• CDE brings final recommendations for revisions to the ELPI at the September 2018 SBE meeting.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Use current 2017 CELDT\textsuperscript{3} scores for Fall 2017 Dashboard.</td>
<td></td>
<td>• Release revised ELPI using ELPAC data (e.g., report Status only for ELPI) in the Fall 2018 Dashboard.</td>
</tr>
</tbody>
</table>

\textsuperscript{1} Dates and proposed development activities are subject to change. 
\textsuperscript{2} ELPAC: English Language Proficiency Assessments for California 
\textsuperscript{3} CELDT: California English Language Development Test
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<tr>
<td>English Learner Progress (cont.)</td>
<td>• ELPAC Initial Assessment field test administration (fall 2017).</td>
<td>• Use Class of 2016 cohort graduation rates, along with prior year rates, for status and change for the Fall 2017 Dashboard.</td>
<td>• CDE develops four-year cohort reports in CALPADS that will allow local educational agencies (LEAs) to certify graduation data in August of each year.</td>
<td>• Anticipate use of current four-year cohort graduation rate (i.e., Class of 2018), including five-year cohort graduation rates, for Fall 2018 Dashboard.</td>
</tr>
<tr>
<td>Graduation Rates</td>
<td>• Completed four-year cohort Graduation Rate Indicator and reported in the Spring 2017 Dashboard.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chronic Absenteeism</td>
<td>• N/A</td>
<td>• CDE collects first year of chronic absenteeism data</td>
<td>• The Chronic Absenteeism Indicator is included in the March SBE item as one of the indicators updated for the Fall 2018 Dashboard release.</td>
<td>• CDE collects second year of chronic absenteeism data.</td>
</tr>
<tr>
<td>Suspension Rate</td>
<td>• Completed Suspension Rate Indicator and reported in the Spring 2017 Dashboard.</td>
<td>• Calculate updated status and change based on 2017 suspension rates for the Fall 2017 Dashboard.</td>
<td>• N/A</td>
<td>• N/A</td>
</tr>
<tr>
<td>College/Career</td>
<td>• Completed the reporting of the percent of students who were &quot;Prepared,&quot; &quot;Approaching Prepared,&quot; and &quot;Not Prepared&quot; in the Spring 2017 Dashboard.</td>
<td>• CCI Work Group provides short-term and long-term recommendations at the September 2017 SBE meeting.</td>
<td>• As needed, CCI Work Group continues exploration of new measures.</td>
<td>• Anticipate use of current four-year cohort graduation rate (i.e., Class of 2018) and the use of the following new CCI measures:</td>
</tr>
</tbody>
</table>

- ELPAC: English Language Proficiency Assessment for California
- CALPADS: California School Data Platform
- CDE: California Department of Education
- TDG: Technical Data Governance
- SBE: State Board of Education
- CCI: Career and College Readiness

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<tr>
<td><strong>CAASPP Grade Eleven</strong></td>
<td>• Reported grade 11 Distance from Met results in the Spring 2017 Dashboard.</td>
<td>• Review reporting format for grade 11 results and make adjustments, as appropriate (e.g., detailed report or other options).</td>
<td>• N/A</td>
<td>• N/A</td>
</tr>
<tr>
<td><strong>High School Readiness –</strong></td>
<td>• N/A</td>
<td>• N/A</td>
<td>• CDE begins work on a potential High School (HS) Readiness Indicator.</td>
<td>• CDE updates the SBE on the status of the HS Readiness Indicator at the May and July 2018 SBE meetings.</td>
</tr>
<tr>
<td><strong>Alternative Accountability</strong></td>
<td>• All alternative schools excluded from the Spring 2017 Dashboard as they will be held accountable under a separate state indicators for alternative schools.</td>
<td>• Second meeting of Task Force on Alternative Schools to be held.</td>
<td>• The CDE provides the SBE with an update on the progress of the Task Force on Alternative Schools at the January 2018 SBE meeting.</td>
<td>• The CDE provides the SBE with an update on the progress of the Task Force on Alternative Schools at May and July 2018 meetings.</td>
</tr>
<tr>
<td>Indicator</td>
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<tr>
<td><strong>Local Indicators</strong></td>
<td>• CDE convened first California Advisory Task Force on Alternative Schools meeting in May 2017.</td>
<td>• CDE convened first California Advisory Task Force on Alternative Schools meeting in May 2017.</td>
<td>• The Alternative Indicators are included in the March 2018 SBE item as indicators updated for the Fall 2018 Dashboard release.</td>
<td>• The CDE requests approval of the Alternative Indicators for inclusion in the Fall 2018 Dashboard at the September 2018 SBE meeting.</td>
</tr>
<tr>
<td>Local Indicators</td>
<td>• Completed a series of Webinars regarding the reporting of Local Indicators and process for soliciting feedback.</td>
<td>• Develop communication plan in conjunction with WestEd to help foster a greater completion rate for the Fall 2017 Dashboard release.</td>
<td>• Discuss Local Control Funding Formula Priority 3 Local Indicator with Ad Hoc Family Engagement Workgroup to develop potential refinements to the indicator.</td>
<td>• To be determined.</td>
</tr>
<tr>
<td><strong>School Climate (Local Indicator)</strong></td>
<td>• The CDE provided preliminary recommendations/options in a June SBE Information Memorandum.</td>
<td>• The final recommendations will be presented at the September 2017 SBE meeting.</td>
<td>• N/A</td>
<td>• N/A</td>
</tr>
<tr>
<td></td>
<td>• Stakeholder engagement sessions were held in October 2016, November 2016, January 2017, March 2017, and May 2017.</td>
<td>• Recommendations may include Transition Plan, framework for validity and reliability of School Climate and Conditions tools, vetted tools, and a potential pilot based on the CCI Work Group recommendations.</td>
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</tr>
</tbody>
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California Education Code Sections 52064.5, 47607, 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 recent 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.
(a) (1) A charter may be granted pursuant to Sections 47605, 47605.5, and 47606 for a period not to exceed five years. A charter granted by a school district governing board, a county board of education, or the state board may be granted one or more subsequent renewals by that entity. Each renewal shall be for a period of five years. A material revision of the provisions of a charter petition may be made only with the approval of the authority that granted the charter. The authority that granted the charter may inspect or observe any part of the charter school at any time.
(2) Renewals and material revisions of charters are governed by the standards and criteria in Section 47605, and shall include, but not be limited to; a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.
(3) (A) 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 grant a charter renewal.
(B) For purposes of this section, “all groups of pupils served by the charter school” means a numerically significant pupil subgroup, as defined by paragraph (3) of subdivision (a) of Section 52052, served by the charter school.
(b) Commencing on January 1, 2005, or after a charter school has been in operation for four years, whichever date occurs later, a charter school shall meet at least one of the following criteria before receiving a charter renewal pursuant to paragraph (1) of subdivision (a):
(1) Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years both schoolwide and for all groups of pupils served by the charter school.

(2) Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.

(3) Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.

(4) (A) The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

(B) The determination made pursuant to this paragraph shall be based upon all of the following:

(i) Documented and clear and convincing data.

(ii) Pupil achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program established by Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 for demographically similar pupil populations in the comparison schools.

(iii) Information submitted by the charter school.

(C) A chartering authority shall submit to the Superintendent copies of supporting documentation and a written summary of the basis for any determination made pursuant to this paragraph. The Superintendent shall review the materials and make recommendations to the chartering authority based on that review. The review may be the basis for a recommendation made pursuant to Section 47604.5.

(D) A charter renewal may not be granted to a charter school prior to 30 days after that charter school submits materials pursuant to this paragraph.

(5) Qualified for an alternative accountability system pursuant to subdivision (h) of Section 52052.

(c) (1) A charter may be revoked by the authority that granted the charter under this chapter 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 law.

(2) 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.

(d) Before revocation, the authority that granted the charter shall notify the charter school of any violation of this section and give the school a reasonable opportunity to remedy the violation, unless the authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.
(e) Before revoking a charter for failure to remedy a violation pursuant to subdivision (d), and after expiration of the school’s reasonable opportunity to remedy without successfully remedying the violation, the chartering authority shall provide a written notice of intent to revoke and notice of facts in support of revocation to the charter school. No later than 30 days after providing the notice of intent to revoke a charter, the chartering authority shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, the chartering authority shall issue a final decision to revoke or decline to revoke the charter, unless the chartering authority and the charter school agree to extend the issuance of the decision by an additional 30 days. The chartering authority shall not revoke a charter, unless it makes written factual findings supported by substantial evidence, specific to the charter school, that support its findings.

(f) (1) If a school district is the chartering authority and it revokes a charter pursuant to this section, the charter school may appeal the revocation to the county board of education within 30 days following the final decision of the chartering authority.

(2) The county board of education may reverse the revocation decision if the county board of education determines that the findings made by the chartering authority under subdivision (e) are not supported by substantial evidence. The school district may appeal the reversal to the state board.

(3) If the county board of education does not issue a decision on the appeal within 90 days of receipt, or the county board of education upholds the revocation, the charter school may appeal the revocation to the state board.

(4) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (e) are not supported by substantial evidence. The state board may uphold the revocation decision of the school district if the state board determines that the findings made by the chartering authority under subdivision (e) are supported by substantial evidence.

(g) (1) If a county office of education is the chartering authority and the county board of education revokes a charter pursuant to this section, the charter school may appeal the revocation to the state board within 30 days following the decision of the chartering authority.

(2) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (e) are not supported by substantial evidence.

(h) If the revocation decision of the chartering authority is reversed on appeal, the agency that granted the charter shall continue to be regarded as the chartering authority.

(i) During the pendency of an appeal filed under this section, a charter school, whose revocation proceedings are based on subparagraph (A) or (B) of paragraph (1) of subdivision (c), shall continue to qualify as a charter school for funding and for all other purposes of this part, and may continue to hold all existing grants, resources, and facilities, in order to ensure that the education of pupils enrolled in the school is not disrupted.

(j) Immediately following the decision of a county board of education to reverse a decision of a school district to revoke a charter, the following shall apply:

(1) The charter school shall qualify as a charter school for funding and for all other purposes of this part.
(2) The charter school may continue to hold all existing grants, resources, and facilities.
(3) Any funding, grants, resources, and facilities that had been withheld from the charter school, or that the charter school had otherwise been deprived of use, as a result of the revocation of the charter shall be immediately reinstated or returned.
(k) A final decision of a revocation or appeal of a revocation pursuant to subdivision (c) shall be reported to the chartering authority, the county board of education, and the department.

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, which 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, which 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 subdivision (c) 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 subdivision (F) of paragraph (2) shall use one of the following:
(A) The most recent API calculation.
(B) An average of the three most recent annual API calculations.
(C) Alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among significant subgroups.

(f) Only schools with 100 or more test scores contributing to the API may be included in the API rankings.
(g) The Superintendent, with the approval of the state board, shall develop an alternative accountability system for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, nonpublic, nonsectarian schools pursuant to Section 56366, and alternative schools serving high-risk pupils, including continuation high schools and opportunity schools. Schools in the alternative accountability system may receive an API score, but shall not be included in the API rankings.
(h) For purposes of this section, county offices of education shall be considered school districts.
(i) For purposes of this section, “homeless youth” has the same meaning as in Section 11434a(2) of Title 42 of the United States Code.
CALIFORNIA STATE BOARD OF EDUCATION
JULY 2017 AGENDA

SUBJECT

SUMMARY OF THE ISSUE(S)
This item addresses key policy issues around developing a statewide integrated system of support based on the Local Control Funding Formula (LCFF) that were identified in a June 2017 Information Memorandum (http://www.cde.ca.gov/be/pn/im/documents/memo-exec-ocd-jun17item02.doc). In addition, this item includes a proposed regional structure, designed from research and stakeholder feedback, for implementing the statewide system of support.

RECOMMENDATION
No action is recommended at this time. However, the California Department of Education (CDE) requests that the State Board of Education (SBE) provide feedback on the June 2017 Information Memorandum and the proposed regional structure for implementing the system of support.

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

BRIEF HISTORY OF KEY ISSUES
Passed by the Legislature and signed by the Governor in 2013, LCFF significantly changed how California provides resources to public schools and holds local educational agencies (LEAs) accountable for improving student performance.

Under LCFF, LEAs receive base funding for each student they serve with additional funding provided for each high-need student—defined as low-income students, English learners, and foster youth—and have much greater flexibility over spending decisions.

LCFF requires that LEAs adopt and annually update local accountability plans, known as Local Control and Accountability Plans (LCAPs), developed with stakeholder input, that address statutory priority areas that define a quality education more broadly than a
single test score. The SBE also was required to develop an accountability tool, known as evaluation rubrics, that assists LEAs in identifying strengths, weaknesses, and areas in need of improvement and identifies LEAs in need of additional assistance or intervention that is defined in statute. This performance data is reported to LEAs, local stakeholders, and the public online through the new California School Dashboard.

By reporting performance on multiple measures that impact student performance across the statutory priority areas, the new accountability system provides a more complete picture of what contributes to a positive educational experience for students. It also promotes equity by clearly identifying for school leaders, stakeholders, and the public any indicators where there are disparities among student groups or across school sites.

The Every Student Succeeds Act (ESSA) was signed into law by President Barack Obama on December 10, 2015, and goes into 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). The reauthorization of ESEA provides California with a number of opportunities to build upon the State’s new directions in accountability and continuous improvement.

Overview of June 2017 Information Memorandum

As part of the development of integrated statewide system of support and California’s transition to the ESSA, the June 2017 Information Memorandum addressed the key policy issues around developing a single system of support based on LCFF (http://www.cde.ca.gov/be/pn/im/documents/memo-exec-oct-jun17item02.doc). The memorandum describes an approach for integrating elements of state policy and federal programs into a coherent system that maximizes available resources to support LEAs and schools. The June 2017 Information Memorandum built on the concepts and ideas from the August 2016 Information Memorandum that described a framework for supporting LEAs and schools within California’s integrated local, state, and federal accountability system (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-aug16item02.doc).

The June 2017 Information Memorandum identified LCFF as the foundation for the emerging integrated system support and proposed the following overarching goal for the statewide system of support:

To help LEAs and their schools meet the needs of each student they serve, with a focus on building local capacity to sustain improvement and to effectively address disparities in opportunities and outcomes.

The June 2017 Information Memorandum also identified the following characteristics as critical to develop within the statewide system of support to meet this goal:

- Reducing redundancy or contradictions in the expectations or requirements across state and federal programs should be a priority.
• To the extent possible, resources (e.g., guidance, individualized assistance) and the channels for distributing them, should be integrated across state and federal programs and should incorporate locally developed resources.

• Assistance provided across state and federal programs should support LEAs in aligning, prioritizing, and using resources to meet identified student needs through the LCAP process.

The June 2017 Information Memorandum also included sections addressing: the role of the LCAP template and the California School Dashboard, the necessity of integrating state and federal resources within the statewide system of support, the importance of locally developed resources and supports, and coordination of resources and assistance across different programs.

Finally, the June 2017 Information Memorandum brought forward key questions for the SBE and stakeholders to consider for designing an integrated statewide system of support, including:

• What type of assistance and resources will local educators find helpful?

• What approaches to assistance and support will advance the goal of building local capacity?

• What structures will assist in developing the characteristics that are critical to meeting the goal for the statewide system of support identified in Section II?

• How will agencies coordinate statewide while remaining responsive to regional and local needs and incorporating locally developed supports?

• What do research and past experience indicate will be the most effective forms of assistance and support to improve student learning and outcomes, for all students and for student groups with greater needs?

• How will successes in closing achievement gaps be shared so that others can learn from these successes?

A separate June 2017 memorandum included data simulations of the number of LEAs identified for support under LCFF and different options for identifying schools for support under the ESSA statute (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-jun17item01.doc). Those simulations highlight the potential scope of LEAs and schools that will be identified for additional support under California’s integrated system of support.

Preliminary Feedback

During the California Practitioners Advisory Group (CPAG) meeting in June 2017, the group reflected on the fourth and fifth questions above. CPAG member discussion highlighted the following:
• Support needs to build capacity for LEAs and schools to continue improving on their own.

• Facilitated communities of practice that access relevant resources are a possible means to help build that local capacity.

• Supporting LEAs, schools, and stakeholders to engage in root cause analysis is a critical step to building capacity to identify and develop strategies to address areas of need identified locally.

Additionally, participants at a June 12, 2017, meeting among SBE staff, representatives from County Offices of Education (COEs), California Collaborative for Educational Excellence (CCEE) staff, and CDE staff and a June 23, 2017, LCFF Policy Stakeholders Input Session discussed some of the key questions identified above, with several common themes emerging:

• There should be multiple pathways to support LEAs based on the needs of LEAs or schools, and there should be no “wrong door” for LEAs to enter and access resources or support available through the statewide system of support.

• The various agencies charged with providing assistance should have a consistent approach and be aware of the resources and supports available to LEAs and schools. Responsibility for coordinating lies with the various agencies that provide support, not with LEAs or schools receiving assistance.

• The consistent approach to assistance should focus on supporting LEAs and local stakeholders to identify the underlying cause of the challenges and identifying options for addressing that underlying issue.

• There should be an explicit focus on disparities among student groups and across schools sites, if applicable, and strategies to help LEAs improve their own analysis and responses to any disparities.

• A broad range of expertise is needed to support LEAs and schools successfully, due to the range of potential underlying issues. Various participants referenced to case management strategies, student study teams, or multi-disciplinary teams as analogues, but consistently emphasized the importance of LEAs and stakeholders being part of that team rather than a passive “recipient.”

With the assistance from the California Comprehensive Center at WestEd, the School Turnaround Office in the CDE’s Improvement and Accountability Division convened a work group to provide input for the State to consider in establishing a statewide system of support that addresses school improvement needs for California’s lowest performing schools. This work group will continue to gather feedback from local educators to help inform the system of support.
Proposed Statewide Integrated System of Support Structure

Based on research, prior memoranda, and key stakeholder discussions and feedback, staff propose a regional structure for the statewide system of support. This regional structure does not attempt to define what support local educators find effective. The regional structure intends to coordinate and align resources and supports. The form and content of specific resources and supports in the regional structure would be informed by feedback from local educators and stakeholders.

In the proposed regional structure, COEs are the primary unit of assistance/support under LCFF. The CCEE is charged with providing advice and assistance to LEAs statewide, in coordination with COEs. The CDE is responsible for implementing and providing oversight for numerous state and federal programs that support LEAs and schools across its divisions.

California implemented NCLB by establishing distinct regional resources and supports for various federal programs such as Title I Regional System for District and School Support (RSDSS), Title III COE leads, and migrant education regional leads. There was no formal mechanism for coordinating supports across federal programs.

In contrast, the statewide integrated system of support should formalize a single regional structure for supporting LEAs under all state and federal programs, based on the principles reflected in LCFF. Any state programmatic activities (e.g., use of federal state-level activities funding, LCFF assistance/support, special education supports) would be implemented and supported within this regional structure.

Under this regional structure, one or more COEs would apply through a competitive process to be a regional lead for assistance and support activities. This would entail commitment to support calibration of activities within the region and with other regional leads. The CCEE would have a formal role working with regional leads to build capacity to support partner agencies. The CDE would have a formal role to align resources; would provide support, infrastructure, and coordination among agencies and programs; and would continue federal oversight responsibilities.

The regional leads will be critical to coordinating supports provided to LEAs and schools across all state and federal programs. Regional leads could play a critical role in identifying local resources within the region and incorporating such resources within the statewide system of support. The application for regional leads would need to demonstrate, at a minimum:

- Appropriate expertise for all state and federal programs under which LEAs in the region receive funds, which may include plans to subcontract, as appropriate.
- Ability to build capacity of COEs within the region to provide assistance and support to districts in each county under state and federal programs.
- Ability to calibrate assistance and support within the region and with other leads.
• Willingness to establish goals and be held accountable for improved performance across multiple measures within the region.

The needs for assistance and support across regions will vary considerably, as will the need for assistance and support for federal programs. The supports that state agencies (e.g., CCEE, CDE, California Subject Matters Projects, Commission on Teacher Credentialing) provide to regional leads will likely require differentiation to account for these differences.

The CDE requests that the SBE provide feedback regarding the proposed regional structure. After receiving direction from the SBE, staff will continue soliciting feedback from local educators and stakeholders to assist in developing more operational detail around what assistance will be helpful, among other topics.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In August 2016, the SBE received the following information memorandum:

• California’s Local, State and Federal Accountability and Continuous Improvement System: Framework for Supporting Local Educational Agencies and Schools (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-aug16item01.doc)

In June 2017, the SBE received the following information memorandum:

• Developing an Integrated Statewide System of Support (http://www.cde.ca.gov/be/pn/im/documents/memo-exec-ocd-jun17item02.doc)

In July 2017, Agenda Item 3 includes a recommended framework for identifying the lowest performing 5 percent of schools under ESSA in a manner that is aligned to the identification of LEAs for additional support under LCFF. That agenda item builds upon a June 2017 information memorandum that included numerous data simulations showing options for identifying schools under ESSA and aligning that process with the identification of LEAs for additional support under LCFF (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-jun17item01.doc).

FISCAL ANALYSIS (AS APPROPRIATE)

Various state and federal funds could be utilized within an integrated system of support. Staff will incorporate a more detailed fiscal analysis in future items, as appropriate, based on feedback and direction provided by the SBE on the structure of the overall system of support.

ATTACHMENT(S)

None.
SUBJECT
Update on the Development of the California State Plan for the Every Student Succeeds Act

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 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 the ESSA, California must submit an ESSA Consolidated State Plan (State Plan) to the U.S. Department of Education (ED) in 2017. The State Plan will describe the State’s implementation of standards, assessments, accountability, and assistance programs.

The California Department of Education (CDE) presented a complete draft of the State Plan to the State Board of Education (SBE) at its May 2017 meeting. Since that meeting, the draft plan has been presented to hundreds of Californians, including the California Practitioners Advisory Group (CPAG), during the 30-day public comment period and new information has been made available regarding how ED is reviewing state plans. The CDE recommends that several sections of the State Plan be revised based on this new information from stakeholders and ED.

This agenda item provides an update to inform the SBE and the public regarding the development of the ESSA State Plan and includes CDE staff recommendations regarding proposed revisions to the draft State Plan.

RECOMMENDATION

The CDE recommends that the SBE approve the revisions to the ESSA State Plan proposed in Attachment 1. The CDE will bring a final draft of the State Plan to the SBE for approval in September 2017.
BRIEF HISTORY OF KEY ISSUES

The ESSA maintains the original purpose of ESEA: equal opportunity for all students. Departing from the NCLB reauthorization, ESSA grants much more authority to states, provides new opportunities to enhance school leadership, provides more support for early education, and renews a focus on well-rounded educational opportunity and safe and healthy schools. The reauthorization of ESEA provides California with a number of opportunities to build upon the State’s new directions in accountability and continuous improvement.

California is committed to aligning state and federal education policies to the greatest extent possible to develop an integrated local, state, and federal accountability and continuous improvement system grounded in the Local Control Funding Formula (LCFF). This will promote coherence across programs to better serve the needs of local educational agencies (LEAs), schools, educators, and students; recognize the diverse and multidimensional characteristics of LEAs, schools, educators, and students, and provide support accordingly; and systematically and collaboratively identify and resource opportunities to build the capacity of local, regional, and state educators and leaders to better serve students and families.

At its January 2017 meeting, the SBE unanimously approved the following guiding principles as part of a framework to develop a working draft of the State Plan.

- Ensure that state priorities and direction lead the plan with opportunities in the ESSA leveraged to assist in accomplishing goals and objectives.
- Create a single, coherent system that avoids the complexities of having separate state and federal accountability structures.
- Refresh applications, plans, and commitments to ensure that LEAs are evidencing alignment of federal funds to state and local priorities.
- Use the ESSA State Plan to draw further focus to California’s commitment to the implementation of rigorous state standards, equity, local control, performance, and continuous improvement.
- Leverage state administrative funds to realign CDE operations to state priorities.
- Strategically approach state-allowed reservations from Title programs to further state priorities.

Consistent with these principles, California’s draft State Plan has been written to meet statutory requirements in a way that furthers California’s actions to implement an effective education system that reflects a commitment to performance, equity, and continuous improvement. Further, at the request of the SBE, California’s State Plan has been written to meet, not exceed, federal requirements. It describes how California plans to use, manage, and monitor federal funds to support implementation of rigorous state academic standards consistent with California’s existing LCFF approach, providing
the State maximum flexibility to utilize federal resources to effectively support California’s accountability and continuous improvement system.

**ESSA Stakeholder Engagement—Phase IV**

The CDE conducted Phase IV of ESSA stakeholder engagement, which included the statutorily required 30-day public comment period, from May 22, 2017, through June 30, 2017. During Phase IV, the CDE deployed a variety of strategies to engage hundreds of California stakeholders in providing feedback on the draft ESSA State Plan.

1. The CDE shared the draft State Plan with the CPAG at its June 2017 meeting. CPAG members were asked to provide feedback on each section of the draft plan.

2. CDE staff also partnered with county offices of education (COEs), professional associations, and community-based and civil rights organizations to facilitate 14 regional and online meetings during which feedback on draft State Plan sections was collected.

3. A toolkit of resources to support stakeholder engagement with the draft plan was made available on the CDE Draft ESSA State Plan Public Comment Toolkit Web page at [http://www.cde.ca.gov/re/es/draftplantoollkit.asp](http://www.cde.ca.gov/re/es/draftplantoollkit.asp). Toolkit resources include the complete draft plan excerpted into 11 sections, videos explaining the contents of each section, plan section summary documents in both English and Spanish, facilitator instructions, and a link to the public comment survey. The CDE encouraged LEAs, professional associations, community-based and civil rights organizations, and members of the general public to use the toolkit to conduct local ESSA stakeholder meetings to solicit feedback on the draft State Plan.

A summary of CPAG feedback and a preliminary analysis of stakeholder feedback collected during the stakeholder meetings are provided in Attachment 1. A more comprehensive analysis of feedback collected during Phase IV of ESSA stakeholder engagement will be provided as an Item Addendum.

**Proposed Revisions to the Draft State Plan**

CDE staff analysis of feedback from CPAG members and Phase IV meeting participants indicates that several sections of the draft State Plan would benefit from revision. In addition, new information regarding ED’s peer review process indicates that California should revise the sections of the plan subject to peer review: Title I, Part A; Title III, Part A; and McKinney-Vento.

In March 2017, ED released State Plan Peer Review Criteria, available at [https://www2.ed.gov/admins/lead/account/stateplan17/essastateplanpeerreviewcriteria.pdf](https://www2.ed.gov/admins/lead/account/stateplan17/essastateplanpeerreviewcriteria.pdf). Seventeen states submitted State Plans to ED on or before the first plan submission deadline of April 4, 2017. On June 13, 2017, ED provided several of these states with detailed feedback on their draft plans, indicating that peer reviewers are
paying close attention to the plans for both compliance with the law and completeness of responses.

The CDE proposes to revise several sections of the draft State Plan based on feedback from the CPAG and other stakeholders, and to refine each of the plan sections subject to peer review to align more closely with the peer review criteria. Staff recommendations regarding revisions to the draft are provided in Attachment 1. Pending SBE approval, the CDE will make revisions to the draft plan and make available a new draft as an August 2017 Information Memorandum. This will ensure that the public has adequate time to review the revised draft State Plan and provide additional feedback before the plan is presented to the SBE for approval at its September 2017 meeting.

California plans to submit its State Plan to ED on September 18, 2017.

**ESSA Accountability Requirements**

In keeping with its commitment to designing a single, coherent, local, state, and federal accountability and continuous improvement system, the SBE has worked steadily to integrate ESSA accountability requirements into the LCFF-based system. However, several policy decisions regarding ESSA accountability requirements remain. The state must adopt eligibility criteria for the identification of the lowest-performing five percent of Title I schools, determine how it will integrate the 95 percent participation requirement into the accountability system, and establish long-term goals and measures of interim progress for the system. To inform SBE decision-making, stakeholders were asked to provide feedback regarding each of these topics during the public comment period.

The SBE has received two Information Memoranda related to the identification of the lowest-performing five percent of schools. The April 2017 Memorandum presented information regarding the relationship between the SBE’s adoption of the LCFF Evaluation Rubrics and Title I school accountability requirements under ESSA and identified three options for identifying the lowest-performing five percent of Title I schools using the color-coded performance levels for state indicators. The June 2017 Memorandum provided additional detail and data simulations for the three options and additional options for aligning school identification under ESSA with the identification of LEAs for assistance under LCFF.

Attachment 2 provides the SBE with a recommendation for the eligibility criteria for the identification of the lowest-performing Title I schools based on data simulations requested by SBE members during the May 2017 SBE meeting and subsequent stakeholder feedback on the identification and eligibility process.

**Ongoing Communication and Engagement**

States are required to consult with diverse stakeholders at multiple points during the design, development, and implementation of their ESSA state plans. The SBE and CDE are 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 and have engaged in extensive stakeholder outreach throughout the development of the document. The engagement strategies and processes employed by the State are
described in the introduction of the plan. A summary of outreach and consultation activities conducted by CDE staff in May and June 2017 is provided in Attachment 3.

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.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

May 2017: CDE staff presented to the SBE the first complete draft of the ESSA State Plan. SBE members engaged in discussion regarding the draft and approved the draft to go out for public comment pending edits and additions to the sections regarding primary language assessment and long-term goals to be approved by the SBE Executive Director. SBE members also voiced concerns that the draft did not fully demonstrate the State’s commitment to equity and directed staff to solicit from stakeholders ways the draft could be improved to promote equity.

March 2017: CDE staff presented to the SBE an update on the development of the State Plan including a status update on issues that need to be addressed in the State Plan and stakeholder feedback regarding State Plan policy decisions. SBE members engaged in discussion regarding the policy decisions and provided feedback to staff to consider in the State Plan draft. Additionally, CDE staff recommended that the SBE review and approve any required ESSA assurances and authorize the SBE President to sign and submit the assurances to the ED by the due date established by the ED. The SBE unanimously approved and authorized these recommended actions.

January 2017: CDE staff presented to the SBE an update on the development of the ESSA State Plan including proposed guiding principles and recommended approach for ESSA State Plan development. The SBE unanimously approved the guiding principles.

November 2016: CDE staff presented to the SBE an update on the development of the ESSA State Plan including the ESSA Consolidated State Plan Development Draft Timeline; the first draft sections of the ESSA Consolidated State Plan; and the communication, outreach, and consultation CDE staff conducted in September and October 2016. The first draft sections of the ESSA Consolidated State Plan included the sections addressing Consultation and Coordination, Challenging State Academic Standards and Academic Assessments, and program specific requirements. SBE members approved CDE staff recommendations to authorize the SBE President to submit a joint letter with the State Superintendent of Public Instruction in response to ESSA regulations for supplement, not supplant under Title I, Part A.

September 2016: CDE staff presented to the SBE an update on the development of the ESSA State Plan including an overview of ESSA programs, an overview of ESSA Consolidated State Plan requirements and related decision points, a preliminary status
of various decisions, and areas where final regulations will be needed to address plan requirements. The update included information regarding use of federal funds and a description of stakeholder outreach and communications activities. Further, CDE staff reviewed Phase I of stakeholder engagement around ESSA, which was provided to the SBE as an August Information Memorandum. In addition, 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 key elements of the system that will be used to evaluate schools and districts in ten areas critical to student performance, including graduation rates, readiness for college and careers, academic achievement, and progress of English learners.

**July 2016:** CDE staff presented to the SBE an update on the development of the ESSA State Plan including opportunities in the ESSA to support California’s accountability and continuous improvement system, an update on proposed ESSA regulations, and a description of stakeholder outreach and communications activities. SBE members approved CDE staff recommendations to authorize the SBE President to submit joint letters with the State Superintendent of Public Instruction in response to ESSA regulations for accountability, data reporting, submission of state plans, and assessments. Additionally, 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 a measure of college and career readiness, a methodology for establishing standards for state priorities, inclusion of a standard for use of local climate surveys, an Equity Report within the top-level summary data display, and the development of a timeline through the 2017 calendar year addressing upcoming developmental work.

**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)**

California’s total K–12 funding as of the 2016–17 California Budget Act is $88.3 billion:

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This includes K–12 revenues from all sources. The 2017–18 California Budget Act is expected to be finalized in June. ESSA funds are a portion of the total federal funding amount. The ESSA will be implemented in 2017–18. The ESSA will become effective for non-competitive formula grants in the 2017–18 school year, and for competitive grants as instructed by ED, but largely in the 2017–18 school year as well.

The following fiscal information relates specifically to the programs included in the ESSA Consolidated State Plan. Federal allocations to states for fiscal years 2016 and 2017 are preliminary estimates based on currently available data. Allocations based on new data may result in significant changes from these preliminary estimates. The 2016–17 amounts provided below are based on actual grant awards, but are also subject to change.

The 2017–18 amounts provided below are based on ED’s State Tables which are based on Public Law 115-31, the Consolidated Appropriations Act of 2017. These numbers may be updated as the final numbers for the fiscal year become available, but we do not anticipate significant changes to funding levels at this time. There are, however, a number of changes to various formulas that may impact funding as ESSA goes into effect this year.

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.

**Title I, Part A: Improving Basic Programs Operated by State and Local Educational Agencies:** California currently receives approximately $1.768 billion. The CDE anticipates that California will receive $1.831 billion in Title I, Part A funds in 2017–18.

**Title I, Part B: State Assessment Grants:** California currently receives approximately $28 million from ESEA Title VI, State Assessments program. The CDE anticipates that California will receive $28.5 million in ESSA, Title I, Part B funds in 2017–18.

**Title I, Part C: Education of Migratory Children:** California currently receives approximately $128.7 million. The CDE anticipates that California will receive $115.8 million in Title I, Part C funds in 2017–18.
Title I, Part D, Subpart 1 – State Agency Programs: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk: California currently receives approximately $1.7 million. The CDE anticipates that California will receive $2.2 million in Title I, Part D funds in 2017–18.

Title II, Part A: Preparing, Training, and Recruiting High Quality Teachers, Principals, and Other School Leaders: 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. California currently receives approximately $249.3 million. The CDE anticipates that California will receive $227.9 million in Title II, Part A funds in 2017–18.

Title III: Language Instruction for English Learners and Immigrant Students: The state grant formula for Title III remains unchanged. California currently receives approximately $150 million. The CDE anticipates that California will receive $149.2 million in Title III funds in 2017–18.

Title IV, Part A: Student Support and Academic Enrichment Grants: California does not currently receive Title IV, Part A funding. The CDE anticipates that California will receive $46.4 million in Title IV, Part A funds in 2017–18 based on the Consolidated Appropriations Act of 2017.

Title IV, Part B: 21st Century Community Learning Centers: California currently receives approximately $132.7 million. The CDE anticipates that California will receive $136.6 million in Title IV, Part B funds in 2017–18.

Title V, Rural Education Initiative: California currently receives approximately $1.5 million from Title VI, Part B, Subpart 1 of ESEA. The CDE anticipates that California will receive $1.5 million in 2017–18.

Title IX, Part A: Education for Homeless Children and Youths: California currently receives approximately $8.2 million. The CDE anticipates that California will receive $9 million in 2017–18.

Funding for federal fiscal year (FFY) 2018 (which CDE will receive for the 2018–19 school year) is still being debated in Congress. A budget proposal sent to Congress by President Trump in May would make significant changes to federal education funding, including eliminating funding for Title II professional development, Title IV, Part A Student Support and Academic Enrichment block grant, and Title IV, Part B 21st Century Community Learning Centers. However, Congress has sole jurisdiction over federal appropriations. The conversation regarding funding for FFY 2018 is likely to continue throughout the year.

Additionally, CDE staff has also provided funding analyses and recommendations in the following documents:

- September 2016 SBE Meeting Agenda Item 02 (http://www.cde.ca.gov/be/ag/ag/yr16/documents/sep16item02.doc)
o Attachment 1: Overview of Every Student Succeeds Act Programs
   This document provides an overview of programs included in the ESSA, including estimated funding amounts and reservations for state administration and state level activities.

o Attachment 3: ESSA State Plan: Information to Support Decision-Making Regarding Use of Federal Funds
   This document provides the SBE with context to inform decision-making regarding uses of ESSA funds at the state and local levels, including an overview of how ESEA funds are currently used and considerations for using ESSA funds to supplement state investments.

  This memorandum provides an overview of the opportunities within the ESSA to use federal funds to support state priorities along with several scenarios and opportunities to “braid” resources.

**ATTACHMENT(S)**

Attachment 1: Proposed Revisions to California’s Draft ESSA State Plan (19 Pages)

Attachment 2: Eligibility Criteria for the Identification of the Lowest-Performing Five Percent of Title I Schools (8 Pages)

Attachment 3: ESSA State Plan Development: Communications, Outreach, and Consultation with Stakeholders: May–June 2017 (10 Pages)

Attachment 4: Phase IV Public Comment Report for the Draft Every Student Succeeds Act State Plan. This Attachment will be provided as an Item Addendum.
Proposed Revisions to California’s Draft ESSA State Plan

New information has emerged since the draft Every Student Succeeds Act (ESSA) State Plan was presented to the State Board of Education (SBE) at its May 2017 meeting:

- The California Practitioners Advisory Group (CPAG) devoted a substantial part of its June 2017 meeting to providing feedback on each section of the draft plan.

- During Phase IV of ESSA stakeholder engagement, which included the statutorily required 30-day public comment period, California Department of Education (CDE) staff collected feedback on the draft plan from hundreds of California stakeholders across the state via regional and online meetings.

- On June 13, 2017, the U.S. Department of Education (ED) provided several states with detailed feedback on their draft plans, indicating that peer reviewers are paying close attention to the plans for both compliance with the law and completeness of responses.

CDE staff has analyzed feedback from the CPAG, completed a preliminary analysis of comments collected during the Phase IV stakeholder meetings, and reviewed carefully the peer review criteria being used to determine whether California’s responses to state plan template prompts are complete. This information has informed the proposed revisions to each section of the plan included in this attachment.

This document provides a preliminary analysis of feedback collected during Phase IV regional and online meetings. Typically, stakeholders registering for these meetings were asked to indicate which of the ten sections of the draft State Plan they would most like to discuss, and each meeting agenda was designed to present and collect feedback on the plan sections most frequently selected by registrants. The accountability and school support and improvement sections were selected for discussion at nearly every meeting. The assessment; Title II, Part A; and Title III, Part A sections were selected for discussion at several meetings. The remaining sections of the draft plan were not selected as frequently as others and were not discussed at any of the Phase IV meetings.

CDE Phase IV stakeholder meetings concluded on June 21, 2017, but the public comment period continues through June 30, 2017. At the conclusion of the public comment period, staff will review and analyze all feedback collected during the public comment period, including feedback collected at meetings, letters, e-mails received since the draft plan posted on April 28, 2017, and feedback submitted via the public comment survey. This analysis, together with any additional proposed revisions to the draft plan based on stakeholder feedback, will be provided as an Item Addendum.
Pending SBE approval, the CDE plans to make revisions to the draft plan and make a new draft available to the public as an August 2017 Information Memorandum. This will ensure that the public has adequate time to review the revised draft State Plan and provide additional feedback before the plan is presented to the SBE for approval at its September 2017 meeting.

California intends to submit its State Plan to ED on September 18, 2017.

This attachment includes the following information for each draft plan section available at http://www.cde.ca.gov/re/es/draftplantoollkit.asp:

- **Summary of CPAG Feedback**: This includes feedback the CPAG provided on the draft State Plan during its June 2017 meeting.

- **Additional considerations**: When applicable, this section includes feedback received during regional stakeholder meetings during the Phase IV public comment period and other venues for stakeholder input such as workgroups.

- **Proposed revisions**: Based on CPAG feedback and additional considerations, staff has proposed revisions to the draft State Plan.

**Title I, Part A: Assessment**

**Summary of CPAG feedback**
The CPAG review of the assessment section of the draft plan addressed issues of equity. Several members raised questions about what the scope of equity should look like. There were a few comments related to California designating Spanish as the most populous language present to a significant extent in the student population. One member identified the need for assessments in multiple languages to support bilingual programs. There was also discussion about the California Spanish Assessment (CSA), currently in development. One member would like to see the CSA included as part of the Dashboard; another suggested that the CSA should be a required test, not an optional one for LEAs to administer. Two members discussed the idea that the CSA should be considered as an equal option to the Smarter Balanced Summative Assessment for English language arts.

**Additional considerations**
Stakeholders discussed and provided feedback on the assessment section of the plan at three Phase IV meetings conducted by the CDE. As with the CPAG, stakeholders most frequently commented on the role of primary language assessments in measuring student progress and whether or not these assessments should be included in the accountability system. Comments were wide-ranging; some suggested that students should participate in both the CSA and Smarter Balanced assessments, others expressed concern regarding over-testing, and there were a variety of comments regarding how and whether the State should assess students in their primary
languages. In addition, several commenters suggested that the Grade 11 Smarter Balanced assessment results be disaggregated from the Career/College Indicator and others called for enhanced communications with teachers regarding the assessment system. A few commenters provided feedback regarding the role of the assessment system in supporting a well-rounded education.

Also, per SBE request, CDE staff met with representatives from Californians Together, the California Association of Bilingual Educators, and experts in the field of English language acquisition to discuss the appropriate use of the CSA and how it might be included in the accountability system.

**Proposed revisions**

Based on stakeholder feedback, the CDE recommends that the assessment portion of Title I, Part A be revised to include this additional language regarding the CSA:

> California will engage in conversations with stakeholders and experts in the fields of language acquisition, measurement, and accountability over the course of developing the CSA with the goal of obtaining direction from the State Board regarding the use of a valid and reliable CSA in accountability.

CDE staff also plans to refine the assessment section of the plan to more closely align with the peer review criteria.

**Title I Part A: Accountability**

**Summary of CPAG feedback**

During the CPAG review, many concerns and questions were raised about the minimum number of students that are required for a student group (N size) to receive a performance level in the Dashboard. Some CPAG members noted that the N size should be lowered. CPAG members also expressed concern that identifying the lowest-performing five percent of schools every three years would create a gap of students in need. There were conflicting opinions regarding the proposed timeframe for the long-term goals. Some members expressed concerns that five to seven years was not sufficient time to reach the proposed goals, other members expressed concerns that seven years was too long.

In regards to accountability measures, some members suggested that dual language assessment for English learner (EL) students be used either as a performance bonus on the Dashboard or incorporated into the Academic Indicator. Additionally, some CPAG members expressed desires to utilize different accountability indicators like local indicators, alternative-school-specific indicators, and indicators for the development of school culture. Simultaneously, the accuracy of indicators like suspension rate or chronic absenteeism as a measure of academic performance was brought into question.
Additional considerations
The CDE prepared a June 2017 Information Memorandum to provide further context and data simulation results for identifying the lowest-performing five percent of Title 1 schools, including linking the Local Control Funding Formula (LCFF) criteria for selecting local educational agencies (LEAs) for support to the identification of the lowest-performing five percent of Title I schools. Attachment 2 of this item recommends an approach for the eligibility criteria for the identification of the lowest-performing five percent of Title I schools.

In addition, stakeholders discussed and provided feedback on the accountability section of the draft plan at each of the Phase IV regional meetings conducted by the CDE. Specifically, stakeholders were asked to provide feedback regarding identification of the lowest-performing five percent of schools, integration of the 95 percent participation requirement into the accountability system, and long-term goals and measures of interim progress. An analysis of this feedback will be provided in the Item Addendum.

Proposed revisions
The CDE plans to revise the accountability section of the draft plan to include SBE decisions made during its July 2017 meeting regarding identification of the lowest-performing five percent of schools, integration of the 95 percent participation requirement into the accountability system, and long-term goals and measures of interim progress. CDE staff also plans to refine the accountability section of the plan to more closely align with the peer review criteria.

Title I, Part A: School Support and Improvement

Summary of CPAG feedback
CPAG members requested that the plan include more information regarding the roles of the California Collaborative for Educational Excellence (CCEE), county offices of education, and the CDE/State Superintendent of Public Instruction (SSPI), and how they interact with each other at each level of support. Additionally, members also asked that the plan include the resources each organization will provide and how LEAs and schools will interact with each organization and their resources at each level. CPAG members also asked that the plan include more information on resource allocation and how it will be reviewed and monitored for disparities.

Additional considerations
The CDE prepared a June 2017 Information Memorandum that addresses the key policy issues around developing a single system of support based on LCFF. The document, available at http://www.cde.ca.gov/be/pn/im/documents/memo-exec-ocd-jun17item02.doc, describes an approach for integrating elements of state policy and federal programs into a coherent system that maximizes available resources to support LEAs and schools. CDE staff has also prepared a July 2017 Agenda Item that proposes a regional structure for the statewide system of support. The proposal is based on research, prior memoranda, and key stakeholder discussions and feedback.
Stakeholders discussed and provided feedback on the school support and improvement section of the draft State Plan during each Phase IV stakeholder meeting conducted by the CDE. Preliminary analysis of stakeholder feedback collected at Phase IV meetings indicates that stakeholders have specific ideas regarding a statewide system of support, including providing funds to support evidence-based interventions and training COEs. A large number of stakeholder comments included support for a detailed needs analysis that identifies root causes, done in collaboration with a district and its schools and community. Some stakeholders described a need for a regional support system that is based on best practice and responsive to local needs and context with tools to support needs assessments and quality COE staff or coaches to support the process. Stakeholders also suggested that the state support school improvement by focusing on effective educators, specifically providing more time for teacher planning and collaboration, principal coaching, additional funds for additional instructional time, culturally responsive curriculum resources, more information regarding parent engagement strategies, and data analysis support. Stakeholders also encouraged the state to focus on improving district systems to support schools, including a resource inequity analysis. Stakeholders also clearly commented that identifying best practices and educational systems that are achieving gains for student groups would be helpful so that districts and schools can learn from each other in a supportive environment.

Feedback also included a strong desire to look beyond academic interventions and provide support for school climate and culture and parent engagement initiatives tied to a needs assessment. Some stakeholders viewed the LCAP as a place to outline how a district plans to support schools identified for improvement and articulate a deep understanding of the system’s needs. Some brought up the need to understand the communities around schools and districts and bring them into the needs assessment. Overall, stakeholders want a collaborative support system that focuses on improvement within districts and their schools.

**Proposed revisions**
The CDE recommends a few revisions to this section based on CPAG feedback. This section can be improved by the addition of more information about the roles of each organization and how they will interact with each other and the field at each level of support. To the extent possible, CDE also recommends adding more information about the resource allocation review.

The CDE recommends that this section of the plan be updated based on SBE discussion regarding the emerging statewide system of support during its July 2017 meeting. CDE staff also plans to refine this section of the plan to more closely align with the peer review criteria.
Title I, Part A: Access to Educators

Summary of CPAG feedback
Although the State Plan references the California Equity Plan and other documents as a means to gather more detailed information, many CPAG members expressed the need for more detail in the Access to Educators section. Specific interest areas included: the potential for requesting waivers, definitions of terms, and “what” and “how” data will be used. There were also a few recommendations to use stronger language (i.e., “required” versus “upon request”).

CPAG members also provided input on how to address the statutory requirement for the definition of “ineffective teacher.” Feedback included interest in exploring proxy measures for effectiveness (such as credentialing, teacher absence and retention rates), and suggestions for shifting the direction of the definition towards effective practice and the necessary system supports (locally and from the state) related to building a strong teacher workforce. There was also a strong call for coherence with members stating the need for overall alignment with the LCFF State Priorities, particularly Priority 1, which provides in part, “The degree to which teachers of the school district are appropriately assigned…and fully credentialed in the subject areas, and, for the pupils they are teaching…”

Additional considerations
The CDE has been working proactively with additional stakeholders to gather input around educator equity issues, specifically in the area of creating a definition for “ineffective teacher.” Key themes emerging from this work include: focusing on systems and not individuals, clarity on distinction among the teacher categories (ESSA requires three: inexperienced, out-of-field, and ineffective), the potential future use of additional metrics or proxies linked to teacher effectiveness, the need for consistency achieved by using a statewide definition or set of guidelines, the need for accessibility to educator equity data, and the need to consider the flexibility afforded to charter schools when considering definitions for inexperienced, out-of-field, and ineffective teachers. As with the CPAG, stakeholders agree that LCFF and educator equity definitions, data reporting, and technical assistance should be part of a coherent statewide system of support.

Proposed revisions
Building on stakeholder input, the CDE recommends revision of the draft ESSA State Plan to include a working definition of “ineffective teacher.” (The draft plan already contains definitions of “inexperienced” and “out-of-field” teachers.) The revisions should focus on California’s ongoing efforts to implement LCFF Priority 1 and should reflect the SBE’s guiding principle for the ESSA State Plan, which calls for a “single coherent system that avoids the complexities of having separate state and federal accountability structures.”
LCFF Priority 1 recognizes that LEAs should be accountable for having teachers who are fully credentialed and appropriately assigned (have official certification for the position they are teaching in). Strengthening this focus is particularly important as California confronts teacher shortages and moves into the next phases of LCFF implementation, including the development of the statewide system of support. The “ineffective teacher” definition should build on LCFF Priority 1 and focus on whether teachers are either misassigned or teaching without a full credential.

California will meet the requirement by reporting – at the school and district levels and statewide – data about the various credential statuses recognized by state law:

- the percent of teachers with emergency permits, provisional permits, or waivers;
- the percent of teachers with intern credentials;
- the percent of teachers who are fully credentialed (holding either preliminary or clear credentials); and
- the percent of teachers who are misassigned.

Utilization of these multiple data points is consistent with California’s use of multiple measures for accountability and continuous improvement purposes and provides a more complete picture of the educator workforce at school, district, and state levels. The data could also provide the basis for development of local plans for equitable access to teachers, especially annual goals for LCFF Priority 1. The multiple data points also will allow a more robust view of disparities that may exist within school districts based on the various credential statuses of teachers at school sites.

Concentrating on these elements responds to SBE direction and stakeholder input that calls for system coherence and alignment with LCFF. It also builds on California’s existing credentialing system, which is based on significant research indicating that subject matter competency and teacher certification are closely linked to teacher effectiveness.

CDE further recommends that the draft ESSA State Plan be revised to indicate California’s interest in the continued development of the statewide system of support’s capacity to support teaching effectiveness and teaching conditions. The work of the State Superintendent of Public Instruction’s Task Force on Educator Excellence, which culminated in the publication of “Greatness by Design,” should be used to support this work along with continued stakeholder engagement. The CDE recognizes the value in investing time and resources to engage stakeholders in the further development of accountability and continuous improvement systems supporting educator excellence and equity.
Title I, Part A: School Conditions

Summary of CPAG feedback
In relation to school conditions, CPAG members appreciated the alignment between the draft ESSA State Plan and California’s LCFF priorities and systems, including the California School Dashboard. Members questioned, however, whether the data capture and reporting requirements outlined by the current draft would be sufficient to spur LEAs into robust action.

While family engagement relates to more than school conditions, CPAG members indicated that the school conditions portion of the plan could benefit from a greater emphasis on family engagement. They further noted that the LCFF makes parent involvement a required component of both LCAP development, in the form of stakeholder engagement, and LCAP implementation by way of addressing LCFF Priority 3, parent involvement. The CPAG suggested that the ESSA State Plan provide mechanisms for supporting district performance in both of these areas and that CDE make this possible through the online dissemination of relevant reports and data.

Additional considerations
The CDE prepared a June 2017 Information Memorandum providing an update on the CDE School Conditions and Climate Work Group. The memorandum outlined a series of key recommendations for the improvement of the current systems supporting school climate improvement, including: annual vetted climate survey administration to school staff, family/caregiver stakeholders, and students; development of a state clearinghouse of valid and reliable school climate and conditions tools that LEAs can utilize when addressing LCFF school conditions and climate priorities; and development of continuous improvement resources to support data analysis and use at the LEA and school site levels.

CDE also partnered with members of the LCFF Equity Coalition and SBE staff to host two parent/family/caregiver feedback sessions. Participants at both meetings shared concerns regarding school climate, bullying, and parent engagement.

In addition, in April 2017, the CDE convened an Ad Hoc Family Engagement Work Group in order to build a foundation for the further development of accountability and continuous improvement systems related to family engagement. Over the course of several initial meetings, the group has prioritized working on improvements for accountability systems related to LCFF Priority 3 and the dissemination of corresponding continuous improvement supports.

Proposed revisions
CDE recognizes the critical need for access to effective data reporting mechanisms to ultimately support the ability of LEAs to evaluate their progress, set attainable goals, and develop and implement effective plans.
CDE recommends that the draft ESSA State Plan section for School Conditions be expanded to describe the work of the School Conditions and Climate Work Group and the work of the Ad Hoc Family Engagement Work Group.

Key resources and strategies that California’s integrated statewide system of support could draw upon as part of California’s collaborative effort to improve school conditions for student learning include:

A. School climate survey supports such as those being studied and recommended by the Superintendent’s School Conditions and Climate work group;

B. Student Mental Health strategies such as those developed through California’s Project Cal Well supported by the Substance Abuse and Mental Health Services Administration;

C. Substance abuse prevention strategies, such as those developed through the Tobacco Use Prevention Education (TUPE) Program and other integrated and evidenced-based practices;

D. Chronic absenteeism identification and reduction strategies, such as those developed by the California Attendance Peer Learning Network in conjunction with COEs to reduce high reduce high rates of chronic absenteeism where identified; and

E. Intensive planning and professional learning supports/technical assistance for LEAs with schools identified for comprehensive and targeted support and intervention that include the identification and dissemination of relevant evidence-based practices and resources, coaching, family/caregiver stakeholder engagement, and use of peer networks.

CDE staff also plans to refine this section of the plan to more closely align with the peer review criteria.

**Title I, Part A: School Transitions**

**Summary of CPAG feedback**

Several CPAG members suggested that this section of the plan would benefit from the addition of more details and stronger language. Specifically, some members asked that the plan include more details about career technical education and career pathways and that this piece be connected to the continuing work on the Dashboard indicators. Additionally, a couple of members wanted to know more about how the effectiveness of school transitions in general could be demonstrated through the Dashboard and addressed in LCAPs. Members noted that LEAs should explore, and address in the LCAP, Dashboard data that reveals issues related to school transitions, such as school climate, absenteeism, and parent engagement. At least one member was concerned
about the lack of support for students transitioning from elementary to middle school and middle school to high school, as this is a critical stage to prevent drop outs.

**Proposed revisions**
The CDE recommends several revisions to this section based on CPAG feedback. The section could be improved with more information about career pathways and additional ways the state is working to promote and expand student access. This could be supported with more information about the status of the State’s College/Career Indicator. This section could also be improved with information about the LCAP Addendum and the requirement for LEAs to describe local actions to support successful student transitions. Guidance for this section of the LCAP Addendum could encourage LEAs to review Dashboard data and LCAP actions related to school climate, absenteeism, and parent engagement. In regard to the lack of support to students transitioning in and out of middle school, this is an area that requires more public input about specific, effective state supports. As the state continues to define the emerging statewide system of support, CDE recommends that the issue of effective transitions for middle school students become an area of focus and differentiated support for struggling LEAs and schools to ensure success in high school and decrease the risk of students dropping out.

CDE staff also plans to refine this section of the plan to more closely align with the peer review criteria.

**Title I, Part C: Education of Migratory Children**

**Summary of CPAG feedback**
Most of the CPAG comments for this section can be grouped into three categories: 1) identifying and addressing migratory student needs, 2) how the Dashboard interacts with migratory students, and 3) preschool programs. There were several comments indicating the need for more detail on the sections addressing the identification of migratory students’ needs and the specific outcomes that will guide local Migrant Education Programs (MEP) in meeting those needs. Furthermore, there were a number of comments discussing the importance of linking migratory students as a subgroup in the LCFF and the Dashboard. CPAG members correctly noted that migratory students are not an identified subgroup of either of these tools. Members specifically noted that the state accountability system should track the academic achievement of migratory students. Additionally, some members had questions around migratory student tracking. Specifically, are migratory students monitored for dropouts, and how are breaks in service tracked?

**Proposed revisions**
Other than adding more detail to the sections identifying and addressing migratory student needs, the CDE does not recommend any further revisions to the Title I, Part C section of the ESSA State Plan. The CDE is in the process of finalizing the statewide Comprehensive Needs Assessment and State Service Delivery Plan. The sections
identifying the needs of migratory children and the measurable program objectives and outcomes will be updated in July for inclusion in the final ESSA State Plan submission. Currently, migratory students are not a specifically recognized subgroup in the LCFF and Dashboard; however, the subpopulation is generally captured in socio-economically disadvantaged students and half of the migratory population is identified within the English language learner subgroup. Various CDE internal offices continue to work on identifying appropriate ways to include migratory students as a subgroup.

Lastly, migratory student dropouts and breaks in service are monitored at the state and local level. DataQuest includes information on statewide migratory student graduation and dropout rates. Local MEPs monitor migratory students’ credit accrual at both the middle and high school levels, providing intervention services where needed. Breaks in services can be tracked easily when parents notify the MEP that they are moving to a new location outside of the MEP’s service area. Local MEPs consistently communicate with other in-state and out-of-state local MEPs to identify incoming and outgoing migratory families. This communication helps to ensure limited breaks in service.

**Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk**

**Summary of CPAG feedback**
CPAG members requested that this section provide more information about how county offices of education (COEs) support connections between programs, similar to the information included about the work of community colleges. Additionally, members requested more information on program objectives and outcomes. Some CPAG members asked for information about the alternative accountability system in this section of the plan.

**Proposed revisions**
Staff recommends adding information regarding the work of COEs. If it is available, staff also recommends including information about how the alternative accountability tool will interact with these programs.

**Title II, Part A: Supporting Effective Instruction**

**Summary of CPAG feedback**
The majority of the CPAG comments expressed that the Title II section of the plan lacked sufficient detail. CPAG members requested more detail regarding the sections related to access and equity, how support will be targeted for low-performing districts, specific examples of what data will be used, clarification as to why California does not intend to use Title II, Part A funds to improve preparation programs, and the need to support continuous improvement. The most frequent area in which the CPAG requested more detail was in the area of supporting school leaders.
**Additional considerations**

Stakeholders discussed and provided feedback on the Title II, Part A section of the plan during five of the Phase IV meetings conducted by the CDE. Stakeholders most frequently commented on the need for clear definitions and a plan for educator equity, the need to include the California Subject Matter Projects (CSMP) as an ongoing support structure, the need to address the importance of a well-rounded education (visual and performing arts, health, science, social and emotional learning, etc.), how to address the recruitment and retention of teachers of color, and clarification regarding how to address the ongoing professional learning needs of educators through curriculum framework “rollout” events. As with the CPAG, a frequently requested area for additional detail was in the area of supporting school leaders. The most common comments related to supporting school leaders highlighted a need for administrators to connect with peers for support and knowledge-sharing, a need for consistent access to professional learning, and provision of personalized support through coaches or mentors from outside of the school site. Some stakeholders also mentioned thinking about a regional approach with COEs as a source of support for school leaders.

**Proposed revisions**

The CDE recommends that the statewide system of support incorporate expertise and capacity to bring LEA stakeholder teams together to engage in the equity planning process. The ESSA provides that up to five percent of the total Title II, Part A allocation can be used for state-level activities. Using a portion of the state-level activities allocation, this regional support structure will support LEA leadership teams to collaboratively design local approaches to address equitable access issues within their districts and schools. This work (modeled, in part, on successful “equity labs” being undertaken in other states) will focus on LEA-led solutions to equitable access issues. LEAs will have the benefit of intra/inter-district collaboration while engaging in facilitated regional learning sessions rooted in a continuous improvement approach on data review, stakeholder engagement, and implementation science to build the capacity of local leaders to spearhead equity work in their LEAs. Work will also coincide with the proposed California school leader system of support (described below), which will provide support to principals at schools that struggle with recruitment and retention of effective teachers and high-quality standards implementation.

The CDE also recommends adding language that addresses equity and provides a high-level goal and plan for linking school leader support to the statewide system of support. The ESSA provides an option for states to set aside three 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. The intention to retain these funds for this purpose is identified in the draft ESSA State Plan. The CDE proposes adding the following detailed information to this section:

California will use the optional three percent reservation of the Title II, Part A LEA subgrant allocation to develop the expertise and capacity within the statewide system of support to strengthen school leaders’ abilities to identify...
leverage) areas of need and implement and sustain local actions that result in improvements while addressing inequities. This will emphasize the development of individual leaders and leadership teams to guide and support teachers and staff in engaging students in differentiated teaching and learning so that all students graduate ready for success in college and careers. The support structure will utilize lessons from past and current leadership initiatives focused on student-centered improvements. Emerging needs will be identified through analysis of Dashboard data in collaboration with the partners that contribute to the statewide system of support.

The CDE also recommends revising the draft plan to provide detail regarding how the state will support standards implementation and a well-rounded education through professional learning. Specifically, staff recommends that additional language regarding curriculum framework “rollouts” and the role of the CSMP in building the capacity of educators to support standards implementation be included in the plan.

Finally, based on stakeholder feedback, the CDE also recommends adding specific language to the plan to demonstrate California’s intention to use Title II, Part A state-level activity funds to improve equitable access to teachers (also discussed in Title I, Part A).

**Title III, Part A: Support for English Learner Students**

**Summary of CPAG feedback**

Overall, CPAG comments were positive regarding the Title III section of the draft plan. This section has also been addressed in several public meetings, and members felt they were very familiar with this section. Other comments requested including more references to Long-Term English Learners (LTEL) in the plan in the areas of accountability, monitoring, biliteracy, and technical assistance. CPAG members also recommended guidance on instructional practice for this group of students. CPAG members commented on the need to add more clarity on establishing the validity and reliability of the English Language Proficiency Assessment for California (ELPAC). They asked for clarity on the entry and exit criteria in the absence of new legislation and considering ELPAC and clarity regarding the California Spanish Language Assessment (CSA) purpose. The members commented on the language referring to the use of the stacked translations in the Smarter Balanced assessments suggesting there be language included. One group requested a report on the work of the English learner workgroup.

**Additional considerations**

Stakeholders discussed and provided feedback regarding the Title III, Part A section of the draft plan at two of the Phase IV meetings conducted by the CDE. Stakeholders called for increased training and guidance for teachers and administrators in regard to the following:
• Administration of the CELDT
• Reclassification procedures
• Integrated ELD across grade levels and content areas
• Native languages
• Support for long term English learners
• Supporting English learners who are also identified in other student subgroups (e.g., students with disabilities)
• Supporting English learners in early learning programs

Proposed revisions
To address feedback from CPAG members and other stakeholders regarding the appropriate use of primary language assessments, staff recommends including the following language in the assessment section of the State Plan:

California will engage in conversations with stakeholders and experts in the fields of language acquisition, measurement, and accountability over the course of developing the CSA with the goal of obtaining direction from the State Board regarding the use of a valid and reliable CSA in accountability.

The CDE will also update this section of the plan to reference the assessment sections that provide the clarity requested for the Smarter Balanced assessments, the CSA, and the ELPAC.

The CDE will revise the section on the exit criteria to the extent that pending legislation addressing exit reclassification criteria is enacted. CDE staff also plans to refine this section of the plan to more closely align with the peer review criteria.

Once the State Plan is adopted, the CDE plans to provide further guidance for all English learner programs through the English Learner Roadmap guidance document currently under development. This document will address newcomers, assessment, Dual Language Immersion, long-term English learners, and other topics related to English learner programs.

Title IV, Part A: Student Support and Enrichment Grants

Summary of CPAG feedback
The majority of the CPAG comments requested more detail for this section of the plan including information regarding the historical context of this program at the federal and state levels and information about what California is currently doing and what needs to be improved. Comments and questions also focused on the development and implementation of the grant program, including: how would the grant program be measured and monitored and how would those results be tied into California’s accountability system and incorporated into the Dashboard? Who may apply for the funding? How will program sustainability be ensured?
Additional considerations

The Student Support and Academic Enrichment (SSAE) Grant Program was newly authorized under subpart 1 of Title IV, Part A when ESEA was reauthorized in December 2015. The SSAE program aims to increase the capacity of state educational agencies (SEAs), LEAs, schools, and local communities to: 1) provide all students with access to a well-rounded education; 2) support student health and safety; and 3) improve the use of technology in order to improve the academic achievement and digital literacy of all students.

Prior to the reauthorization of ESEA in 2015, the activities that composed the previous version of the SSAE had were funded at approximately $1.6 billion. When ESEA was reauthorized, Congress authorized the same amount of spending for the new block grant. However, Congressional appropriators chose to spend only a small portion of that amount, allocating $400 million for the program in fiscal year 2017 and allowing states to allocate funding competitively to compensate.

California anticipates receiving $46 million in Title IV, Part A funds for the 2017–18 school year. The state’s allotment is based on its portion of the Title I appropriation. Of the state’s Title IV, Part A allotment, no less than 95 percent must be allocated to LEAs, not more than 1 percent may be used to administer the program, and the remaining 4 percent may be used by the state for activities described in ESSA Section 4104(b). President Trump’s Budget for 2018 proposes to eliminate funding for this grant program for the 2018–19 school year.

The following is a breakdown of the estimated 2017–18 school year funding:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$44,097,156</td>
<td>At least 95% allocated to LEAs</td>
</tr>
<tr>
<td>$1,856,722</td>
<td>No more than 4% for state-level activities*</td>
</tr>
<tr>
<td>$464,181</td>
<td>No more than 1% for SEA administration</td>
</tr>
<tr>
<td>$46,418,059</td>
<td>Total</td>
</tr>
</tbody>
</table>

*Under the ESEA, a state may transfer its SSAE state-level activities fund to certain other ESSA programs including, but not limited to: Title I, Part A; Title II, Part A; or Title III, Part A. LEAs may also transfer all of their local SSAE funds to these same programs.

The SSAE Grant Program includes three activity areas:

- Well-rounded educational opportunities: at least 20 percent of the SSAE allocation must be utilized on activities and programs that support well-rounded educational opportunities which may include: college and career guidance and counseling programs, music and arts programs, STEM (including computer science) programs, accelerated learning programs, history, foreign language, environmental education, promoting volunteerism, and other activities that support a well-rounded education.
• Safe and healthy students: at least 20 percent of the SSAE allocation must be utilized on activities to support safe and healthy students which may include: drug and violence prevention; school-based mental health services; supporting a healthy, active lifestyle; preventing bullying and harassment, mentoring and school counseling; school dropout and reentry programs; and school-wide positive behavioral interventions and supports.

• Technology: some of the SSAE allocation can be used on activities that support the effective use of technology which may include: providing school personnel with professional learning tools, building technological capacity and infrastructure, innovative strategies for delivering a specialized or rigorous academic course through the use of technology, blended learning projects, professional development in the use of technology in STEM subjects (including computer science) and providing students in rural, remote, and underserved areas with resources to take advantage of high-quality learning experiences. LEAs are limited to spending no more than 15 percent of funding to purchase technology infrastructure for formula grants, and no more than 25 percent of funding to purchase technology infrastructure for competitive grants.

States have two options for distributing the SSAE Grant Program to LEAs:

• Option 1: Formula Allocation
  LEA allocations will be based on their relative share of Title I, Part A funds and must be at least $10,000. LEAs may form consortia and combine SSAE funds. LEAs that receive more than $30,000 must conduct a needs assessment every three years, spend at least 20 percent on well-rounded education, at least 20 percent on safe and healthy students and no more than 15 percent on technology infrastructure. LEAs may use up to 2 percent for administration.

• Option 2: Competitive Grant
  States that administer SSAE grants via a competition must award SSAE funds to LEAs (or a consortia of LEAs) across the same three priority areas: well-rounded education, safe and healthy students, and effective use of technology for a one-year term. The prioritization of the award of subgrants to LEAs will consider the greatest need in a manner that ensures geographic diversity and the minimum grant of $10,000. The SEA must maintain the set-aside requirements outlined in Option 1: Formula Allocation, on a statewide basis, with the technology infrastructure set-aside limited to 25 percent.

Proposed revisions
The CDE recommends revising the plan to reflect Option 2: A Competitive Grant to distribute the SSAE Grant Program to LEAs. This option will provide an important opportunity for LEAs and their schools to engage in both innovative and creative ways to address identified needs with equity and well-rounded educational opportunities. An
important outcome of such a competitive grant program will be the lessons learned, best practices, and sustainable strategies resulting from the work of awardees.

The CDE also recommends that the priorities for the competitive grant be informed by Dashboard data and be conducted within the statewide system of support.

Although California’s grant amount for the 2017–18 school year has been established at $46 million, the future of this funding in subsequent years is uncertain. The benefit of aligning the focus of the grant dollars to the goals of the state system of support is twofold: grant proposals submitted by LEAs for consideration must be aligned with the other objectives of the State Plan and this strategy would integrate a potentially limited-term funding stream into a larger context of innovation and improvement. It is further recommended that language be included to articulate California’s intent to use state-level activity funds to strengthen statewide system of support activities.

At the SBE’s direction, the CDE will establish priorities for a competitive grant process for the 2017–18 school year. A competitive grant process will be designed with a variety of considerations including: 1) establishing that the priorities for the SSAE LEA grant awards align with the larger context of state and local reform efforts, 2) coordinating the SEA role in grant administration (for example: establishing timelines, developing a request for application, and coordinating support for grantees), and 3) ensuring that the state grant processes comply with federal requirements.

The SSAE LEA grant awards will align with the larger context of state and local reform efforts. At the SBE’s direction, the CDE will prioritize the SSAE grant funding to those LEAs (or consortia of LEAs) which articulate one or more of the following in their applications:

- Clear articulation regarding how implementation of the LEA’s LCAP will be further supported by the SSAE grant opportunity.

- Specific explanation concerning how the LEA (or consortia of LEAs) will utilize the resources and participate in the statewide system of support. The integrated system of support is focused on building capacity at the local level to identify issues that impact student learning and to implement strategies that address those issues.

- Focus on specific student populations (including but not limited to: English learners, homeless students, foster youth, underrepresented student populations, or children making the transition from early education to the primary grades).

- Focus on specific content areas (including but not limited to: technology, arts education, or visual and performing arts).
Coordinating the SEA role in grant administration: The CDE is poised to create a competitive grant process for the 2017–18 school year. This process will begin by seeking budget authority to utilize the funds in the upcoming school year. Simultaneously, the CDE will draft a request for proposals (RFP) for response by interested LEAs and consortia of LEAs. The SSAE Grant Program may be as open-ended or as specific as desired by the SBE.

In order to set up SSAE grantees for success, the state must be well-positioned to provide technical assistance, monitoring, and support. The CDE recommends using the Title IV, Part A state-level activity funds (approximately $1.85 million) to strengthen statewide system of support activities. By doing so, robust technical assistance and monitoring will raise the likelihood of success for grantees.

Ensuring that the state grant processes comply with federal requirements: States that administer SSAE grants via a competition must develop a set of state priorities which include a prioritization for need based on the number or percentage of Title I students and ensures geographic diversity. Additionally, states must distribute SSAE funds to LEAs (or a consortia of LEAs) across the three priority areas on a statewide basis: well-rounded education; safe and health students; and supporting the effective use of technology. The remaining funds can support any of the three priority areas (individual LEA grantees do not have to fund each of the three activity areas under the competitive approach, and in fact are explicitly not required to comply with the distribution of funds requirements).

Title IV, Part B: 21st Century Community Learning Centers

Summary of CPAG feedback
CPAG members asked clarifying questions regarding services provided by expanded learning programs, program evaluations, and program sustainability. Some members wanted to know more about changes from the original 21st century learning plan as ESSA and current California policy seem similar.

Proposed revisions
The CDE does not recommend changes to the Title IV, Part B section of the draft plan. California policy establishes local governance to identify and meet local community needs. The 21st Century Community Learning Centers program is not designed to be a source of continuous funding; it is considered seed money to develop programs. Local grantees are encouraged to implement sustainability plans that they articulate in their applications. Every program is required to implement a continuous quality improvement process based on the quality standards for expanded learning in California. The quality standards address the conditions that lead to outcomes, including school climate and parent involvement. The CDE is in the process of working with WestEd to complete a biennial report for the legislature.
Title V, Part B: Rural and Low-Income School Program

Summary of CPAG feedback
CPAG members requested that the plan include clarification that all rural and low income schools are eligible for the subgrant program. Additionally, members suggested that the plan include an overview of the programs for which funds may be used.

Proposed revisions
Staff recommends adding the clarification requested by CPAG members and providing a cross reference to other parts of the plan for background on the programs listed.

McKinney-Vento Homeless Assistance Act: Education for Homeless Children and Youths

Summary of CPAG feedback
The CPAG noted opportunities to strengthen plan contents regarding homeless preschoolers, identifying/tracking of homeless children and youth, and professional development opportunities to better prepare staff to address the needs of homeless children and youth.

Proposed revisions
The CDE proposes to add more details to the State Plan regarding activities designed to heighten awareness for homeless preschool-age children. The CDE uses professional development, coordination, and outreach activities to better identify, enroll, and provide services to homeless preschool students.

CDE staff also plans to refine the McKinney-Vento section of the draft plan to more closely align with the peer review criteria.
Eligibility Criteria for the Identification of the Lowest-Performing
Five Percent of Title I Schools

Under the Every Student Succeeds Act (ESSA), the State Board of Education (SBE) is required to adopt eligibility criteria for the identification of the lowest-performing five percent of Title I schools. In this attachment, the California Department of Education (CDE) provides the SBE a recommendation for this purpose, based on data simulations requested by Board members during the May 2017 SBE meeting and subsequent stakeholder feedback on the identification and eligibility process.

Background

The SBE received two Information Memoranda related to this topic. The April 2017 Memorandum discussed the relationship between the SBE’s adoption of the LCFF Evaluation Rubrics and Title I school accountability requirements under ESSA (http://www.cde.ca.gov/be/pn/im/documents/memo-exec-essa-apr17item02.doc). It identified three options for identifying the lowest-performing five percent of Title I schools using the color-coded performance levels for state indicators. Based on the direction from the SBE during the May 2017 meeting, the June 2017 Memorandum provided additional detail and data simulations for the three options (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-jun17item01.doc).

All three options were also presented to the Technical Design Group (TDG) and to stakeholders during the public comment period. The TDG, which provides feedback on the technical aspects related to accountability to the State Superintendent of Public Instruction, confirmed that the all Applicable Indicators Option was technically sound. In addition, this option received the strongest support during the public comment period.

The All Applicable Indicators method identifies schools based on the combination of performance levels on the indicators that apply for each school. Schools that are Red on all indicators applicable to that school would be identified first. Schools with Red on all indicators except one, where the remaining indicator is Orange, would be identified next, and so on until the necessary percent of schools are identified.

The CDE recommends that the SBE adopt this methodology for identifying the lowest-performing Title I schools under ESSA because:

- It provides equal weight to each of the state indicators, which aligns with the SBE's consistent message that all indicators are important in the new multiple measures accountability system.
- Using ELA and mathematics as two separate indicators provides greater differentiation among schools.
• It identifies fewer schools with at least one Green or Blue indicator than the other options, indicating that it is technically sound and produces valid and reliable results.

At the May 2017 SBE meeting, several SBE members indicated an interest to link the identification of the lowest-performing five percent of schools to LEAs identified for support under LCFF. The June 2017 Memorandum included data simulations applying the LCFF criteria to identify LEAs for assistance and support that the SBE approved at its September 2016 meeting. These criteria, including the clarification about how the criteria apply to charter schools that the SBE approved at its November 2016 meeting, are shown in the Appendix to this Attachment.

The June 2017 Memorandum also included simulations demonstrating five options for linking the identification of schools under ESSA to the LCFF criteria for LEA assistance and support. The data simulations for these five options used the All Applicable Indicators method discussed above, which the CDE recommends that the SBE approve.

The simulations in the June 2017 Memorandum are based on the data included in the Spring 2017 Dashboard, which is a field test before the system becomes fully operational with the Fall 2017 Dashboard release. These data have limitations, including that several state indicators were calculated using 2014-15 data for Status; two state indicators (the College/Career Indicator and chronic absence) do not currently have color-coded performance levels; and the local indicators will include Met/Not Met/Not Met for Two or More Years ratings for the first time in Fall 2017.

Recognizing these limitations, the data simulations provide the best information currently available about how the LCFF criteria and school identification process will work when LEA identification begins with the Fall 2017 Dashboard release and school identification begins with the Fall 2018 Dashboard release.

**Linking School Identification to LEAs Identified for LCFF Support**

Based on the SBE’s prior actions and direction, LCFF is the foundation for California’s integrated accountability system. Under LCFF, LEAs are the primary focus for improving outcomes and opportunities for students and addressing disparities, based on the recognition that LEAs play an essential role in supporting schools to sustain improvement. LCFF requires LEAs to adopt and annually update Local Control and Accountability Plans (LCAPs), which must identify goals and actions/services for all students and student groups within the priority areas identified in the LCFF statutes. LEAs can also establish distinct goals and actions/services for school sites.

The data simulations from the June 2017 Memorandum resulted in the identification of 181 districts based on the LCFF criteria for assistance, which is approximately 18 percent of the districts statewide. (Note: There are 999 districts statewide. Because charters and COEs cannot be identified for LCFF support in the fall of 2017, they were...
excluded from the denominator.) One hundred and fifty two (152) LEAs were identified based on one student group only, and of those, 119 were identified solely because of students with disabilities. A significant number of school districts are likely to be eligible for differentiated assistance from county offices of education beginning in Fall 2017.

Focusing assistance and support for schools within the LEAs identified for support under the state accountability system will:

- ensure that supports provided to schools are consistent and aligned with the supports provided to the LEA;
- enable agencies providing support and LEAs receiving support to leverage all available resources;
- enhance the ability for all supports to focus on building the capacity of LEAs to support all schools based on the differential needs of students across school sites, as demonstrated by the multiple measures within the LCFF priority areas; and
- ensure that assistance provided to identified schools builds on the existing LCAP process within LEAs.

The differentiated assistance provided to LEAs that have an identified school will include working with the LEA on analyzing the needs of that school and its students and developing a plan for improvement, consistent with ESSA’s school improvement requirements. This improvement plan could be included as part of the LCAP addendum that LEAs will complete as their LEA plan under ESSA. This approach will maximize alignment with LCFF and strengthen ongoing implementation of LCFF by assisting LEAs in analyzing and aligning resources to meet the needs of students across the LEA.

The simulations presented in the June 2017 Memorandum, however, revealed that limiting the identification of schools only to those LEAs identified for support under the LCFF criteria approved by the SBE at the September 2016 meeting excludes a number of the very low-performing schools (All Red/All Red except One Orange). Specifically, of the 90 very low-performing schools, 17 schools that had all Red performance levels and 14 schools that had all Red except one Orange performance level would be excluded.

Staff recommends that the SBE adopt a baseline methodology that adds a second criterion for LEA identification for support under LCFF: whether an LEA has a very low-performing school based on the state indicators. The Appendix to this Attachment shows how this additional criterion works in conjunction with the criteria for LEA assistance that the SBE approved at the September 2016 meeting.
Identifying LEAs with very low-performing schools for LCFF support ensures that these schools receive support from their LEA through a single coherent system of support. Any LEA that has a very low-performing school would become eligible for assistance under LCFF, and that assistance would have to focus, at a minimum, on helping the LEA analyze the needs of that school and develop a plan for addressing those needs.

Several SBE members emphasized at the May 2017 meeting the importance of ensuring that very low-performing schools located in school districts not identified for assistance under LCFF receive appropriate support from the school districts. The recommended baseline methodology will ensure such districts receive appropriate support focused on the needs of that school.

Based on the simulations provided in the June 2017 Memorandum, the proposed baseline methodology identifies 181 LEAs based on the LCFF criteria that the SBE adopted in September 2016 and an additional 25 LEAs based on the inclusion of the criterion that would identify LEAs for LCFF support if they have at least one very low-performing school. Approximately 90 of the LEAs identified using the existing LCFF criteria also have at least one very low-performing school (i.e., would meet both the existing criteria and the new proposed criteria for LEA identification).

Additional SBE Considerations

The proposed baseline methodology attempts to align ESSA requirements to LCFF, but some outstanding issues remain. The proposed framework proposes identifying additional LEAs for assistance under LCFF based on having a very low-performing school, defined as all Red or all Red but one Orange. In total, 90 schools met those criteria in the data simulations, which represents less than five percent of Title I schools (298 schools is exactly five percent). There are several potential options for identifying additional schools that build on the baseline methodology.

Option 1: Baseline methodology + select remaining 5% of schools from the identified LEAs. Additional non-charter schools could be selected only from within the LEAs identified for assistance based on the recommended expanded criteria. This would ensure that the identification and support of schools is focused on LEAs receiving support under LCFF, consistent with LCFF’s focus on LEAs as the primary entity responsible for improving outcomes for students and identifying and addressing disparities.

This approach raises the question of how charter schools would be incorporated in this second phase of school identification. Specifically, charter schools are schools under ESSA, but are defined as LEAs under LCFF. The proposed baseline methodology identifies charter schools if they are a very low-performing school (All Red/All Red except One Orange). But, under state law, charter schools are not within a school district or county office of education, so they could not be selected as an additional
school during this second phase of school identification without some modification to account for their status as LEAs.

Excluding charter schools from consideration in the second phase of school identification treats charter schools differently from non-charter schools. In addition, it does not align with the ESSA requirement to treat charter schools as schools. One solution is to include all charter schools that receive Title I funds in the eligibility pool for the second phase of selection along with all the non-charter schools in the LEAs identified for support.

On the other hand, including all Title I charter schools in the eligibility pool results in some slightly higher performing charter schools being identified over lower-performing non-charter schools in LEAs not identified for support. However, the same scenario occurs whether or not charter schools are included in this eligibility pool, because limiting the pool to LEAs identified for support excludes a small portion of non-charter schools in LEAs that are not identified for support that are slightly lower-performing than the schools in the LEAs identified for support.

The June 2017 information memorandum includes two simulations illustrating this option, with option 1.d excluding charter schools from the second phase of identification and option 1.e including charter schools.

Option 2: Baseline methodology + required assistance to additional group of schools within identified LEAs. Under the proposed baseline methodology, the state will identify more than 200 LEAs for assistance without any further identification of schools (including 25 LEAs identified because they have a very-low performing school). Collectively these LEAs have substantially more than five percent of the total Title I schools statewide. All these LEAs have at least one Title I school.

LEA assistance under LCFF will be defined to include helping LEAs to identify the needs of low performing schools and to develop strategies to address those needs within the existing LCAP process. Assistance will focus on building the capacity of LEAs to differentiate among the needs of student groups and schools. Targeting the resources available for school assistance on the LEAs serving very low-performing schools will therefore benefit more than the very low-performing schools identified.

Rather than identifying additional schools beyond the 90 schools identified in the baseline methodology, the state could specify a level of performance above very low-performing (e.g., additional combinations of Reds and Oranges) and require that the agency providing assistance work with the LEA to assess the needs and develop strategies to support Title I schools at or below the specified level. Additionally, the state could establish a process for LEAs identified for assistance to identify, working collaboratively with the agency providing assistance, additional schools that would benefit from differentiated assistance and to seek school improvement resources for
those schools. However, this approach may not meet the ESSA requirement that the state identify five percent of the lowest-performing schools and may require a waiver.

**Option 3: Baseline methodology, with expanded definition of very low-performing school to identify 5% of schools.** Rather than using All Red/All Red except one Orange as the definition for very low-performing, the state could identify the lowest-performing five percent of schools statewide, regardless of their LEA affiliation, and all LEAs with at least one school in the five percent would be identified for support under LCFF. Doing so would nearly triple the number of additional LEAs identified for support (74 versus 25) and raise the total percent of LEAs identified for assistance to nearly 25 percent.

As a result, all student performance at the school level, based only on the state indicators, would become a significant driver of LEA identification for support, rather than a secondary criterion that ensures very low-performing schools are not left out of assistance. Staff does not recommend pursuing this option because it is the least aligned with LCFF. But it is available if the SBE prefers to focus exclusively on ESSA’s statutory provisions for school identification.

**Recommendation and Next Steps**

The CDE recommends that the SBE:

1. Approve the “All Applicable Indicators” Option, described in the Background section, for identifying the lowest-performing Title I schools, where English languages arts (ELA) and mathematics are treated as two separate indicators. This option is technically sound, provides greater differentiation among schools, and received the strongest support during the ESSA public comment period.

2. Approve the proposed baseline methodology for identifying the lowest-performing Title I schools, based on LEAs identified for support under LCFF, described in the Linking School Identification to LEAs Identified for LCFF Support section, as follows:

   a. Focus the identification of schools under ESSA within LEAs identified for support under LCFF, using the criteria the SBE adopted at the September 2016 SBE meeting.

   b. Add a new criterion to the LCFF identification criteria, which would identify LEAs that have at least one very low-performing school. The current definition of very low-performing school is All Red and All Red except One Orange on the state indicators.

3. Provide direction to staff around which option or options identified in the Additional SBE Considerations section should be incorporated into the revised
draft of the ESSA state plan that will be posted for further stakeholder feedback in early August.

4. Approve specifying in the state plan that the state will identify the lowest-performing Title I schools as required by ESSA once every three years.

The CDE received extensive feedback on the methodology for identifying the lowest-performing five percent of Title I schools and developed the proposed baseline methodology based on feedback from the SBE and stakeholders. But the proposed baseline methodology was not explicitly included as an option during prior stakeholder feedback. Additional feedback from stakeholders on the proposed baseline methodology and one or more of the options identified in the preceding section, will be helpful in finalizing the proposed approach. Based on guidance from the SBE, the CDE can include more than one of the options identified in the preceding section in the August update of the State Plan, which will allow focused stakeholder feedback on those options to inform final action by the SBE at the September 2017 meeting.
Appendix. Recommended Criteria for Identifying LEAs for Differentiated Assistance within the Integrated Statewide System of Support.

LEAs are eligible for differentiated assistance (Level 2) within the integrated statewide system of support if:

EITHER

For a school district or county office of education, any student group met the criteria below for two or more LCFF priorities. Education Code (EC) 52071(b) & 52071.5(b).

For a charter school, three or more student groups (or all the student groups if there are less than three student groups) met the criteria below for one or more state or school priority identified in the charter for three out of four consecutive school years. EC 47607.3*

Basics (Priority 1)
- Not Met for Two or More Years on Local Performance Indicator

Implementation of State Academic Standards (Priority 2)
- Not Met for Two or More Years on Local Performance Indicator

Parent Engagement (Priority 3)
- Not Met for Two or More Years on Local Performance Indicator

Pupil Achievement (Priority 4)
- Red on both English Language Arts and Math tests OR
- Red on English Language Arts or Math test AND Orange on the other test OR
- Red on the English Learner Indicator (English learner student group only)

Pupil Engagement (Priority 5)
- Red on Graduation Rate Indicator OR
- Red on Chronic Absence Indicator

School Climate (Priority 6)
- Red on Suspension Rate Indicator OR
- Not Met for Two or More Years on Local Performance Indicator

Access to and Outcomes in a Broad Course of Study (Priorities 7 & 8)
- Red on College/Career Indicator

Coordination of Services for Expelled Pupils – COEs Only (Priority 9)
- Not Met for Two or More Years on Local Performance Indicator

Coordination of Services for Foster Youth – COEs Only (Priority 10)
- Not Met for Two or More Years on Local Performance Indicator

*Note: When using the evaluation rubrics to determine charter school eligibility for technical assistance, referral to the California Collaborative for Educational Excellence, or potential revocation under EC 47607.3, an authorizer may consider only performance on indicators that are included in the charter school’s underlying petition. Additionally, the criteria to determine LEA eligibility for technical assistance and intervention under LCFF do not apply to and are not to be used for charter renewals under EC 47607.

OR

For any LEA, the LEA has one of the very lowest-performing Title I schools, as determined by all student performance on the state indicators.
ESSA State Plan Development: Communications, Outreach, and Consultation with Stakeholders: May – June 2017

States are required to consult with diverse stakeholders at multiple points during the design, development, and implementation of their Every Student Succeeds Act (ESSA) state plans. The California Department of Education (CDE) is committed to ensuring a transparent transition to the new law and developing an ESSA Consolidated State Plan (State Plan) that is informed by the voices of diverse Californians. A summary of communications, outreach, and consultation activities conducted by CDE staff in May and June 2017 is provided below.

This document includes information regarding the stakeholder meetings conducted during Phase IV of ESSA stakeholder engagement, which included the statutorily required 30-day public comment period.

Date: May 5, 2017  
Meeting: Bilingual Coordinators Network Meeting  
Participants: Members of the Bilingual Coordinators Network and CDE staff  
Details:  
CDE staff provided an update on ESSA State Plan development, including local planning requirements for 2017–18, and the Local Control and Accountability Plan (LCAP) Addendum.

Date: May 17, 2017  
Meeting: Regional Assessment Network Meeting  
Participants: Regional Assessment Network members and CDE staff  
Details:  
CDE staff presented an update on ESSA State Plan development, highlighting opportunities to participate in the plan development process during the 30-day public comment period.

Date: May 18, 2017  
Meeting: Curriculum and Instruction Steering Committee  
Participants: Curriculum and Instruction Steering Committee members and CDE staff  
Details:  
CDE staff presented an update on ESSA State Plan development, highlighting opportunities to participate in the plan development process during Phase IV of stakeholder engagement, previewing materials in the Draft ESSA State Plan Public Comment Toolkit, and encouraging participants to host local stakeholder engagement events.
**Date:** March 19, 2017  
**Meeting:** State and Federal Programs Directors Meeting  
**Participants:** State and Federal Program Directors and CDE staff  
**Details:**

CDE staff presented an update on ESSA State Plan development, highlighting opportunities to participate in the plan development process during Phase IV of stakeholder engagement, previewing materials in the Draft ESSA State Plan Public Comment Toolkit, and encouraging participants to host local stakeholder engagement events.

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**Date:** March 23, 2017  
**Meeting:** Regional System of District and School Support Coordinators Meeting  
**Participants:** Regional System of District and School Support Coordinators and CDE staff  
**Details:**

CDE staff presented an update on ESSA State Plan development, highlighting opportunities to participate in the plan development process during Phase IV of stakeholder engagement, sharing materials in the Draft ESSA State Plan Public Comment Toolkit, and encouraging participants to host local stakeholder engagement events. Staff solicited feedback regarding the accountability section of the plan, specifically how the state should identify the lowest-performing five percent of schools and the setting of long-term goals and measures of interim progress. Participants also shared their ideas regarding how schools that are identified for comprehensive or targeted support and intervention should be supported and how school leaders should be supported under ESSA.

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**Date:** March 23, 2017  
**Meeting:** Webinar co-hosted by the Small School Districts' Association  
**Participants:** Diverse stakeholders from across the state including Small School Districts' Association members; teachers, principals, and other representatives from rural local educational agencies (LEAs); representatives from Indian tribes, charter schools, civil rights organizations, and institutions of higher education, and CDE staff.  
**Details:**

CDE staff provided an overview of the Draft ESSA State Plan Public Comment Toolkit and encouraged meeting participants to use the toolkit to provide additional feedback on the draft plan during the public comment period. Staff solicited feedback regarding the accountability section of the plan, specifically how the state should identify the lowest-performing five percent of schools and the setting of long-term goals and measures of...
interim progress. Participants also shared their ideas regarding how schools that are identified for comprehensive or targeted support and intervention should be supported.

**Date:** March 24, 2017  
**Meeting:** Webinar co-hosted by the Association of California School Administrators (ACSA) and the California School Boards Association (CSBA)  
**Participants:** ACSA and CSBA members from across California and ACSA, CSBA, and CDE staff  
**Details:**

Staff presented an update on ESSA State Plan development, highlighting opportunities to participate in the plan development process during Phase IV of stakeholder engagement, sharing materials in the Draft ESSA State Plan Public Comment Toolkit, and encouraging participants to host local stakeholder engagement events. Staff solicited feedback regarding the accountability section of the plan, specifically how the state should identify the lowest-performing five percent of schools and the setting of long-term goals and measures of interim progress. Participants were also asked to share their ideas regarding how schools that are identified for comprehensive or targeted support and intervention should be supported and how school leaders should be supported under ESSA.

**Date:** March 25, 2017  
**Meeting:** Lake/Mendocino County Professional Learning Network Meeting  
**Participants:** Members of the Lake and Mendocino Counties professional learning network and CDE staff  
**Details:**

CDE staff provided an update on ESSA State Plan development, including the ESSA State Plan guiding principles, opportunities to participate during Phase IV of ESSA stakeholder engagement, and local planning requirements for 2017–18.

**Date:** March 25, 2017  
**Meeting:** Lake County Regional Meeting  
**Participants:** School-, district-, and county-level staff from Lake, Mendocino, and Sonoma Counties and CDE staff  
**Details:**

CDE staff provided an overview of the Draft ESSA State Plan Public Comment Toolkit and encouraged meeting participants to use the toolkit to provide additional feedback on the draft plan during the public comment period. Staff solicited feedback regarding the accountability section of the plan, specifically how the state should identify the lowest-performing five percent of schools and how the 95 percent participation rate
requirement should be integrated into the accountability system. Participants also discussed the setting of long-term goals and measures of interim progress.

Date: May 30, 2017  
Meeting: Sacramento County Regional Meetings  
Participants: Diverse stakeholders (including students; teachers; parents; representatives from charter schools, community-based organizations, civil rights organizations, institutions of higher education, and the Legislative Analyst’s Office; and district and county-level administrators) from Sacramento, Placer, Solano, Yolo, Sutter, and Alameda Counties and CDE staff  
Details:  

During morning and evening meetings, CDE staff provided an overview of the Draft ESSA State Plan Public Comment Toolkit and encouraged meeting participants to use the toolkit to provide additional feedback on the draft plan during the public comment period. Staff solicited feedback regarding the accountability section of the plan, specifically how the state should identify the lowest-performing five percent of schools and how the 95 percent participation rate requirement should be integrated into the accountability system. Participants also discussed the setting of long-term goals and measures of interim progress and shared their ideas regarding how schools that are identified for comprehensive or targeted support and intervention should be supported. Participants were also asked to provide feedback regarding how the Title II, Part A and Title III, Part A sections of the plan could be improved to promote equity and support students and schools.

Date: June 1, 2017  
Meeting: California Practitioners Advisory Group (CPAG) Meeting  
Participants: CPAG members, SBE members, CDE staff, SBE staff, and the public  
Details:  

CDE staff provided an update on ESSA State Plan development and solicited feedback from CPAG members regarding each section of the draft ESSA State Plan.

Date: June 5, 2017  
Meeting: Stanislaus County Regional Meeting  
Participants: Diverse stakeholders (including district and county-level administrators and representatives from community-based organizations, civil rights organizations, and institutions of higher education) from Stanislaus, San Joaquin, San Benito, Fresno, and Monterey Counties and CDE staff  
Details:
CDE staff provided an overview of the Draft ESSA State Plan Public Comment Toolkit and encouraged meeting participants to use the toolkit to provide additional feedback on the draft plan during the public comment period. Staff solicited feedback regarding the accountability section of the plan, specifically how the state should identify the lowest-performing five percent of schools and how the 95 percent participation rate requirement should be integrated into the accountability system. Participants also discussed the setting of long-term goals and measures of interim progress and shared their ideas regarding how schools that are identified for comprehensive or targeted support and intervention should be supported.

Date: June 7, 2017  
Meeting: San Diego County Regional Meeting  
Participants: Teachers, specialized instructional support personnel, representatives from institutions of higher education, and county-level administrators from San Diego County and CDE staff  
Details:

CDE staff provided an overview of the Draft ESSA State Plan Public Comment Toolkit and encouraged meeting participants to use the toolkit to provide additional feedback on the draft plan during the public comment period. Staff solicited feedback regarding the accountability section of the plan, specifically how the state should identify the lowest-performing five percent of schools and how the 95 percent participation rate requirement should be integrated into the accountability system. Participants also discussed the setting of long-term goals and measures of interim progress and shared their ideas regarding how the Title II, Part A and Title III, Part A sections of the plan could be improved to promote equity and support students and schools.

Date: June 8, 2017  
Meeting: San Diego County Regional Meeting  
Participants: Diverse stakeholders (including teachers, specialized instructional support personnel, representatives from charter schools and institutions of higher education, and district and county-level administrators) from San Diego County and CDE staff  
Details:

CDE staff provided an overview of the Draft ESSA State Plan Public Comment Toolkit and encouraged meeting participants to use the toolkit to provide additional feedback on the draft plan during the public comment period. Staff solicited feedback regarding the accountability section of the plan, specifically how the state should identify the lowest-performing five percent of schools and how the 95 percent participation rate requirement should be integrated into the accountability system. Participants also discussed the setting of long-term goals and measures of interim progress and shared their ideas regarding how schools that are identified for comprehensive support and
intervention should be supported. Participants were also asked to provide feedback regarding how the Title II, Part A section of the plan could be improved to promote equity and support students and schools.

Date: June 12, 2017  
Meeting: Alameda County Regional Meeting  
Participants: Diverse stakeholders (including parents, principals, representatives from charter schools and civil rights organizations, and district and county-level administrators) from Alameda, Sonoma, Marin, and San Mateo counties and CDE staff  
Details:  

CDE staff provided an overview of the Draft ESSA State Plan Public Comment Toolkit and encouraged meeting participants to use the toolkit to provide additional feedback on the draft plan during the public comment period. Staff solicited feedback regarding the accountability section of the plan, specifically how the state should identify the lowest-performing five percent of schools and how the 95 percent participation rate requirement should be integrated into the accountability system. Participants also discussed the setting of long-term goals and measures of interim progress and shared their ideas regarding how schools that are identified for comprehensive support and intervention should be supported. Participants were also asked to provide feedback regarding how the assessment section of the plan could be improved to promote equity and support students and schools.

Date: June 14, 2017  
Meeting: Los Angeles Regional Meeting co-hosted by Families in Schools, CARECEN, Public Advocates, The Education Trust-West, Californians Together, and the Parent Organization Network with the support of the California Endowment  
Participants: Parents, community members, representatives from community-based and civil rights organizations, SBE and CPAG members, and CDE staff  
Details:  

CDE staff provided an overview of the Draft ESSA State Plan Public Comment Toolkit and encouraged meeting participants to use the toolkit to provide additional feedback on the draft plan during the public comment period. Participants were asked to provide feedback regarding how the Title I, Part A: School Support and Improvement and Title III, Part A sections of the plan could be improved to promote equity and support students and schools.

Date: June 14, 2017  
Meeting: Los Angeles County Regional Meeting
Participants: Parents, teachers, researchers, and representatives from the California Parent Teacher Association, the California Teachers Association, and Californians Together and CDE staff

Details:

CDE staff provided an overview of the Draft ESSA State Plan Public Comment Toolkit and encouraged meeting participants to use the toolkit to provide additional feedback on the draft plan during the public comment period. Staff solicited feedback regarding the accountability section of the plan, specifically how the state should identify the lowest-performing five percent of schools and how the 95 percent participation rate requirement should be integrated into the accountability system. Participants also discussed the setting of long-term goals and measures of interim progress and shared their ideas regarding how schools that are identified for comprehensive support and intervention should be supported. Participants were also asked to provide feedback regarding how the assessment section of the plan could be improved to promote equity and support students and schools.

Date: June 15, 2017  
Meeting: Los Angeles County Regional Meeting  
Participants: Diverse stakeholders (including teachers; parents; specialized instructional support personnel; representatives from charter schools, community-based organizations, civil rights organizations, and institutions of higher education; and district and county-level administrators) from Los Angeles, Riverside, and Orange Counties and CDE staff  
Details:

CDE staff provided an overview of the Draft ESSA State Plan Public Comment Toolkit and encouraged meeting participants to use the toolkit to provide additional feedback on the draft plan during the public comment period. Staff solicited feedback regarding the accountability section of the plan, specifically how the state should identify the lowest-performing five percent of schools and how the 95 percent participation rate requirement should be integrated into the accountability system. Participants also discussed the setting of long-term goals and measures of interim progress and shared their ideas regarding how schools that are identified for comprehensive support and intervention should be supported and what intensive interventions for schools that do not exit comprehensive support and intervention status might be considered. Participants were also asked to provide feedback regarding how the assessment section of the plan could be improved to promote equity and support students and schools.

Date: June 16, 2017  
Meeting: State and Federal Programs Directors Meeting  
Participants: State and Federal Program Directors and CDE staff
Details:

CDE staff presented an update on ESSA State Plan development, highlighting remaining opportunities to participate in the plan development process during Phase IV of stakeholder engagement.

Date: June 17, 2017  
Meeting: Coachella Regional Meeting co-hosted by Families in Schools, Public Advocates, and The Education Trust-West with the support of the California Endowment  
Participants: Parents, community members, teachers, district administrators, local school board members, representatives from community-based and civil rights organizations, SBE staff, and CDE staff  
Details:

CDE staff provided an overview of the Draft ESSA State Plan Public Comment Toolkit and encouraged meeting participants to use the toolkit to provide additional feedback on the draft plan during the public comment period. Participants were asked to provide feedback regarding how the Title I, Part A: School Support and Improvement and Title I, Part A: School Conditions sections of the plan could be improved to promote equity and support students and schools.

Date: June 21, 2017  
Meeting: Advisory Commission on Special Education Meeting  
Participants: and CDE staff  
Details:

CDE staff provided an overview of the Draft ESSA State Plan Public Comment Toolkit and encouraged meeting participants to use the toolkit to provide additional feedback on the draft plan during the public comment period. Commissioners were asked to review and provide feedback on a portion of the Title II, Part A section of the plan.

Date: June 21, 2017  
Meeting: Webinar  
Participants: Diverse stakeholders (including parents; teachers; paraprofessionals; principals or other school leaders; specialized instructional support personnel; employers; representatives from LEAs (including rural LEAs), Indian tribes, charter schools, community-based organizations, civil rights organizations, institutions of higher education; researchers; and the public) from across California and CDE staff  
Details:

CDE staff provided an overview of the Draft ESSA State Plan Public Comment Toolkit and encouraged meeting participants to use the toolkit to provide additional feedback on
the draft plan during the public comment period. Staff solicited feedback regarding the accountability section of the plan, specifically how the state should identify the lowest-performing five percent of schools and how the 95 percent participation rate requirement should be integrated into the accountability system. Participants also discussed the setting of long-term goals and measures of interim progress and shared their ideas regarding how schools that are identified for comprehensive support and intervention should be supported. Participants were also asked to provide feedback regarding how the Title II, Part A section of the plan could be improved to promote equity and support students and schools.

Date: June 27, 2017  
Meeting: Intersegmental Coordinating Committee Meeting  
Participants: and CDE staff  
Details:  

CDE staff provided an overview of the Draft ESSA State Plan Public Comment Toolkit and encouraged meeting participants to use the toolkit to provide additional feedback on the draft plan during the public comment period. Meeting participants were asked to review and provide feedback on the Title I, Part A: School Transitions and Title II, Part A sections of the plan.

Other Communication Channels  
Below is a table and graph displaying the total number of Web page views for the CDE ESSA Web pages since their inception in March 2016.

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![CDE ESSA Web Page Views Graph]
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ITEM 04
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2017 AGENDA

SUBJECT

California Assessment of Student Performance and Progress: Begin the Process of Approving Renewal of Educational Testing Service’s Administration Contract for an Additional Two Years.

SUMMARY OF THE ISSUE(S)

Pursuant to California Education Code (EC) Section 60643(b), the California Department of Education (CDE) shall develop and the State Superintendent of Public Instruction (SSPI) and the State Board of Education (SBE) shall approve California Assessment of Student Performance and Progress (CAASPP) contracts. Contract amendments that increase contract costs may only be made with the approval of the CDE, the SBE, and the Department of Finance (DOF).

The current CAASPP administration contract with Educational Testing Service (ETS) will end on December 31, 2018. The CDE is recommending that the CDE exercise its option to renew the current contract for an additional two years to allow for the completion of the test development work for the California Science Test (CAST), the California Alternate Assessment (CAA) for Science, and the California Spanish Assessment (CSA), as well as administer the first operational year of these assessments in 2020. This will allow for the preparation, administration, and reporting activities for summative assessments for the 2019 and 2020 test administrations. Additionally, the contract renewal will provide for year-long access and support of computer-based practice and training tests, embedded performance assessments, interim assessments, and Digital Library resources for use in local educational agencies through December 31, 2020. Renewal of the current contract will include an amended Scope of Work (SOW), timeline, and budget that will incorporate changes to allow the current contractor to administer, score, and report the 2019 and 2020 CAASPP test administrations.

RECOMMENDATION

The CDE recommends that the SBE direct the CDE to begin the process of renewing the current CAASPP administration contract for an additional two years as detailed below:
Amend the contract end date from December 31, 2018 to December 31, 2020

Negotiate, in conjunction with SBE and DOF staff, an amended SOW to add the 2019 and 2020 testing administrations and increase the overall budget by an amount not to exceed $157 million, subject to appropriation of the Legislature

Ensure the following activities are addressed in the amended SOW:

- Ongoing administration of all components of the CAASPP system
- Technical work associated with preparing and administering the operational assessments currently under development (e.g., CAST, CAA for Science; and CSA)
- Enhancements to the reporting of student results, including increasing translations of student reports and paperless reporting options
- Enhancements to the technical hosting solution to allow for future growth and scalability

Direct the CDE to present a draft contract amendment, consistent with these recommendations, to the SBE for consideration no later than January 2018.

BRIEF HISTORY OF KEY ISSUES

The enactment of Assembly Bill (AB) 484 set forth the vision for a new statewide assessment system and established the CAASPP System, replacing the previous Standardized Testing and Reporting (STAR) Program. EC Section 60602.5 requires CAASPP assessments that have the primary purposes of assisting teachers, administrators, and pupils and their parents/guardians; improving teaching and learning; and promoting quality teaching and learning through multiple assessment approaches and item types.

ETS and its sub-contractors have met the existing terms of the CAASPP administration contract. ETS, along with the CDE, coordinated the effective transition to a system of assessments and assessment tools that cover the full breadth and depth of the kindergarten through grade twelve (K–12) curriculum and promote the teaching of the full curriculum. ETS has successfully administered three operational summative assessment cycles, testing approximately 3.2 million students annually. Furthermore, ETS has continued to develop assessments for specific content areas and special populations.

In May 2015, the SBE designated ETS as the CAASPP administration contractor for the 2015–16, 2016–17, and 2017–18 test administrations. The 2017–18 test administration will be the fourth operational test administration of the CAASPP system. The current CAASPP contract will end on December 31, 2018, which creates the potential for a lack of continuity of critical test development work for the CAST, the CAA for Science, and
the CSA. The current contract allows for the CDE, in collaboration with the SBE, to exercise an option to renew the contract for additional years as long as the costs are negotiated with the CDE, the SBE, and the DOF. Amending this contract to include an additional two years of contract administration will provide for ongoing administration of all CAASPP assessments in 2019 and 2020 and maintain the continuity of assessment development to bring into full operation the CAST, the CAA for Science, and the CSA.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In May 2017, the SBE approved the proposed CAASPP contract amendment (CN150012 Amendment 4) that authorizes the SBE Executive Director to approve technical edits as needed. In part, the amendment addresses the continuation of the Standards-based Tests in Spanish for one year, a transition year for paper-pencil Smarter Balanced tests, enhancements to reporting systems, and system enhancements to allow for the implementation of Smarter Balanced embedded field test performance tasks (http://www.cde.ca.gov/be/ag/ag/yr17/documents/may17item02.doc).

In March 2017, the SBE directed the CDE, in consultation with SBE staff and with the approval of the DOF, to negotiate amendments to the contract with ETS that may increase contract costs to not exceed the budget appropriation (http://www.cde.ca.gov/be/ag/ag/yr17/documents/mar17item06.doc).

In May 2015, the SBE approved the CAASPP contract negotiated with ETS, the CDE, the SBE, and the DOF (http://www.cde.ca.gov/be/ag/ag/yr15/documents/may15item01.doc).

In March 2015, the SBE adopted the SSPI recommendation to designate ETS as the CAASPP contractor and requested that a draft contract be provided at the May 2015 SBE meeting (http://www.cde.ca.gov/be/ag/ag/yr15/documents/mar15item04.doc).

FISCAL ANALYSIS (AS APPROPRIATE)

The proposed 2017–18 Budget Act includes the funding necessary for the 2017–18 CAASPP administration contract activities. Funding for 2018–19 and beyond will be contingent upon an annual appropriation being made available from the Legislature in future fiscal years.

The proposed renewal of the CAASPP administration contract with ETS would increase the overall contract costs by approximately $157 million. CAASPP contract amendments that increase contract costs may only be made with the approval of the CDE, the SBE, and the DOF.

ATTACHMENT(S)

None
ITEM 05
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2017 AGENDA

SUBJECT
Adoption of the California English Learner Roadmap State Board of Education Policy: Educational Programs and Services for English Learners.

SUMMARY OF THE ISSUE(S)

The State Superintendent of Public Instruction (SSPI), in consultation with the State Board of Education (SBE), convened an English Learner (EL) Roadmap Workgroup to share expertise and advice informing the development of a resource guide and policy.

The EL Roadmap Workgroup drafted the proposed policy (Attachment 1) for the SBE to consider adopting. The California Department of Education (CDE) received advice on the recommended policy from over 370 educators during three public working meetings of the EL Roadmap Workgroup, at sessions of major CDE sponsored events (Accountability Leadership Institute, Bilingual Coordinators’ Network meetings), and at sessions during large events such as the annual California Association for Bilingual Education conference.

The California EL Roadmap SBE Policy is necessary and timely for the following reasons: (1) the passage of the California Education for a Global Economy Initiative (CA Ed.G.E. Initiative), Proposition 58, effective July 1, 2017, amended most of Proposition 227 and resulted in changes to Education Code (EC) sections 300, 305–306, 310–311, 320 and 335; (2) the implementation of the State content standards and curriculum frameworks featuring evidence-based practices and exemplary services for English learners as described in the SBE adopted documents; (3) the implementation of the Local Control Funding Formula (LCFF) and the Local Control and Accountability Plan (LCAP); and (4) changes to the Elementary and Secondary Education Act (ESEA) as reauthorized by the Every Student Succeeds Act (ESSA) of 2015.

The adoption of this policy, in connection with the regulations, will supersede any previous policies, guidance, or other documents promulgated by the SBE or CDE regarding the implementation of Proposition 227. Once approved, the new policy will become part of the resource guide, California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Program, and Practices for English Learners (EL Roadmap), which is to be published by the SSPI and will assist local educational agencies (LEAs) to implement California’s 21st Century college- and career-ready standards, curriculum, instructional programs, and assessments for English learners.
RECOMMENDATION

The SSPI recommends that the SBE adopt the California EL Roadmap SBE Policy: Educational Programs and Services for English Learners.

BRIEF HISTORY OF KEY ISSUES

Federal Law

The 1974 U.S. Supreme Court decision in Lau v. Nichols 414 U.S. 563 (1974) as codified in the Equal Education Opportunities Act and other federal laws require that each educational agency "take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs." Federal law does not require primary language instruction or any other specific methodology. "Appropriate action" is determined using the three part analysis developed in Castaneda v. Pickard (5th cir.1981) 648 F.2d 989 as follows:

- Use sound theory. The educational theory upon which instruction is based must be recognized as sound by at least some experts in the field.

- Provide adequate support. The school system must provide the procedures, resources, and personnel necessary to apply the theory in the classroom. The resulting program must be implemented effectively.

- Achieve results. After a reasonable period of time, application of the program must actually overcome English language barriers confronting the students and must not leave them with substantive academic deficits.


On December 10, 2015, President Obama signed the ESSA, reauthorizing the federal ESEA and replacing the No Child Left Behind Act, the 2001 reauthorization of ESEA.

ESSA Title III, Part A, is officially known as the Language Instruction for English Learner and Immigrant Students Act. ESSA Section 3102 states that the overarching purpose of the law is to ensure that English Learner students, including immigrant children and youth, attain English language proficiency and meet the same challenging state academic standards that other students are expected to meet.

LEAs in receipt of federal funds must supplement state language instruction educational programs to assist English learners in meeting achievement goals. The state educational agency and LEAs are encouraged to provide professional development for teachers, administrators, and community members. The ESSA adds an additional requirement to provide parent, family, and community engagement activities.
State Law

On June 2, 1998, the people of California voted to approve Proposition 227, also called the English Language in Public Schools Statute. The passage of this law added EC sections 300–340 and changed the default instructional program for English Learner students. English Learner students were to be instructed in English in an English language classroom placement unless certain rights were waived in order to receive an alternative placement. EC Section 300 clearly stated that the purpose of the new law was to teach English as rapidly and effectively as possible to English learners in California public schools.

New State Provisions

In 2013, the LCFF was enacted to address local accountability measures, align state and federal programs, and establish a uniform funding system for school districts and charter schools. The LCFF established base, supplemental, and concentration grants for targeted, disadvantaged students. Targeted pupils are English learners, foster youth, and/or students from families whose family meets income requirements to receive a free or reduced-price meal.

Under the LCFF all LEAs are required to prepare an LCAP, which describes how each LEA intends to meet annual goals for all pupils, with specific activities to address state and local priorities identified pursuant to EC Section 52060(d). Specifically, LEAs are required to describe how programs and services will enable English learners to access the English language arts and mathematics state-adopted academic content standards and the English language development standards. The adoption of regulations for the LCFF and LCAP included substantive discussions regarding all educational services for English learners.

In November 2016, California voters approved Proposition 58, also known as the CA Ed.G.E. Initiative, which amended Proposition 227 and significantly changed the laws pertaining to English learner programs. The purpose of the CA Ed.G.E. Initiative is to ensure that all children in California public schools receive the highest quality education, master the English language, and access high-quality, innovative, and evidence-based language programs that prepare them to fully participate in a global economy.

Beginning on July 1, 2017, the CA Ed.G.E. Initiative authorizes school districts and county offices of education to establish language acquisition programs for both native and non-native English speakers, and requires school districts and county offices of education to solicit parent and community input in developing language acquisition programs.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

December 2016: The SBE received an information memo regarding the panel of experts, practitioners, and community stakeholders selected to provide recommendations to the SSPI, in consultation with the SBE, on the development of the
EL Roadmap SBE Policy and guidance document. This memo can be viewed on the CDE December 2016 Information Memoranda Web page at http://www.cde.ca.gov/be/pn/im/infomemodec2016.asp.

**FISCAL ANALYSIS (AS APPROPRIATE)**

The recommended policy and development of a resource guide have been possible with funding provided by the Sobrato Family Foundation through the Californians Dedicated to Education Foundation.

The policy will be available electronically. Dissemination and professional development will be provided by the CDE in partnership and with the support of various entities, including the WestED California Comprehensive Center, county offices of education, the California Collaborative for Educational Excellence, as well as existing educational networks and state organizations.

Funding has not been allocated or identified to print the policy and resource guide documents.

**ATTACHMENT(S)**

Attachment 1: Proposed California English Learner Roadmap State Board of Education Policy: Educational Programs and Services for English Learners (5 pages)
Policy for consideration by the State Board of Education

SUBJECT
California English Learner Roadmap State Board of Education Policy: Educational Programs and Services for English Learners

REFERENCES
See below

This policy is intended to assist the California Department of Education in providing guidance to local educational agencies (LEAs) in welcoming, understanding, and educating the diverse population of students who are English learners attending California public schools. Many English learners represent the newest members of our society (including recently arrived immigrants and children of immigrants) who bring a rich diversity of cultural backgrounds and come from families with rich social and linguistic experiences. They also bring skills in their primary languages that contribute enormously to the state’s economic and social strengths as a talented multilingual and multicultural population.

This policy explicitly focuses on English learners in the context of the state’s efforts to improve the educational system, the quality of teaching and learning, and educational outcomes. It centers on standards, curriculum frameworks, assessment, accountability/school improvement, educator quality, early childhood/preschool, social and family support services, parent/community involvement, and higher education. Its purpose is to promote local capacity-building and continuous improvement in each of these areas and their interrelationship, based on evidence of effectiveness from local experience as well as the most current rigorous research evidence that speaks to the strengths and needs of the diverse population of English learners.

The impetus for this policy comes from a number of important related developments in California as well as nationally. If properly coordinated and articulated as part of a coherent California English Learner Roadmap, these developments can better serve the state’s large population of English learners to attain college- and career-ready standards and to further promote the rich linguistic diversity of the state as it thrives in a global economy and culture of learning, innovation, and advanced technology.

The adopted academic State Standards and the Next Generation Science Standards, and corresponding English Language Development (ELD) standards, signal an important shift toward emphasizing academic uses of language for all students, and student engagement with college- and career-ready curriculum using English and other languages. Taken together, these standards highlight the tightly interconnected nature of developing disciplinary content understandings, analytical practices, and academic uses of language for all students. This shift enables the educational system to move beyond remediating students’ English language skills to simultaneously developing their language and literacy skills while engaging in the full range of academic content learning.
The State Seal of Biliteracy encourages districts to recognize students’ biliterate proficiency. Developing assessments in languages other than English that are aligned to state academic standards (e.g., the California Spanish Assessment) are key to recognizing biliteracy and academic achievement in more than one language. The passage of the California Education for a Global Economy Initiative, known as Proposition 58 (amending Proposition 227), moves us beyond improvement efforts focused solely on language of instruction to programs and pathways that effectively develop academic content knowledge, discipline-specific practices and academic language uses, and bilingual-biliterate proficiency.

California’s Local Control Funding Formula (LCFF) is premised on local districts providing equitable learning conditions, pupil outcomes, and effective engagement of English learners. Districts are expected to set, with their parent and community partners, meaningful goals and outcomes that require full access to the curriculum, assure English learners’ meaningful progress toward attaining academic English proficiency, and closing gaps in academic achievement for students entering as English learners. LCFF provides districts additional resources to build local capacity to implement and support evidence-based practices. State-produced documents provide coherent guidance for districts on implementing more and better comprehensive, research evidence-based services for diverse groups of English learners via the Local Control and Accountability Plan (LCAP) process, and provides support for continuous improvement.

Our accountability system is state-determined, and is consistent with federal guidance provided for states to implement the Every Student Succeeds Act (ESSA), which supports our aligning federal and state policies to better integrate and leverage resources, services, assessment and accountability. Consonant with LCFF, ESSA elevates English language proficiency to a central indicator for Title I accountability. It values English language development, which California has identified as both, designated ELD equally with integrated ELD—as presaged in California’s English Language Arts (ELA)/ELD Curriculum Framework.

Given ESSA’s Title III provisions, California will re-examine standardized, statewide EL entrance and exit procedures and criteria, and report academic performance of key sub-categories of English learners, such as long-term English learners and students with disabilities. The broader federal stance on multiple indicators of performance also complements our system’s use of multiple state and locally-collected indicators on academic achievement, EL progress, high school graduation, chronic absenteeism and student suspension, school climate and parent engagement to advance a more complete picture of district program effectiveness.
This policy also reflects the current national research consensus on second language learning, bilingualism, program effectiveness, and policy research\(^1\), much of which is consistent with earlier syntheses from the California Department of Education\(^2\).

Findings include the following:

- English language proficiency development is a process that takes five to seven years for those entering with emerging English, benefits from coherent and aligned instruction across that time period, and can take place as an integrated process simultaneous with academic content learning in addition to designated ELD and the development of bilingualism/biliteracy.

- Bilingualism provides benefits from the capacity to communicate in more than one language and may enhance cognitive skills, as well as improve academic outcomes.

- Establishing proper and consistent procedures and criteria for identifying, monitoring, and exiting English learners using appropriate assessment procedures—while developing professional capacity to use assessment results—constitutes a key lever for effective system improvement.

- The diversity of the EL population (e.g., newcomers, long-term English learners, students with interrupted formal education, students with disabilities, gifted and talented students, and the expected continuous exiting of students from the EL category) necessitates pedagogy and educational support services that are differentiated and responsive.

- Brain development research reinforces the crucial period of birth through early childhood in the areas of cognitive, social, and language development. There is great need for coherent, aligned support for dual language learners across the preschool and primary grade systems to begin developing their bilingual and biliterate capacities.

The current research evidence base also supports the need to attend to the following instructional factors:

- Explicit literacy instruction especially in the early grades

- Peer-assisted and small-group learning opportunities

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• Providing academic language support during content area instruction, balanced with structured explicit opportunities for oral and written language skills development

• Appropriate assessment in various forms (e.g., formative, benchmark, summative) to understand and support student learning

• Processes related to social emotional development and identity formation

California is a state that welcomes newcomers and their families, and that addresses their linguistic diversity with a positive, additive orientation. Our schools need to reflect this orientation by affirming, welcoming and responding to a diverse range of student strengths, needs, and identities, and prepare graduates with the linguistic, academic and social skills and competencies needed for college, career and civic participation in a global, diverse and multilingual world.

California’s Vision of Success for English Learners

English learners fully and meaningfully access and participate in a 21st century education from early childhood through grade twelve that results in their attaining high levels of English proficiency, mastery of grade level standards, and opportunities to develop proficiency in multiple languages.

Mission

California schools affirm, welcome and respond to a diverse range of EL strengths, needs and identities. California schools prepare graduates with the linguistic, academic and social skills and competencies they require for college, career and civic participation in a global, diverse and multilingual world, thus ensuring a thriving future for California.

Four Principles

Four principles support our vision and provide the foundation of California’s English Learner Roadmap. These principles are intended to guide all levels of the system towards a coherent and aligned set of practices, services, relationships, and approaches to teaching and learning that together create a powerful, effective, 21st century education for our English learners. Underlying this systemic application of the Principles is the foundational understanding that simultaneously developing English learners’ linguistic and academic capacities is a shared responsibility of all educators, and that all levels of the schooling system have a role to play in ensuring the access and achievement of the 1.3 million English learners who attend our schools.

Principle #1: ASSETS-ORIENTED AND NEEDS-RESPONSIVE SCHOOLS

Pre-schools and schools are responsive to different EL strengths, needs and identities, and support the socio-emotional health and development of English learners. Programs value and build upon the cultural and linguistic assets students bring to their education in
safe and affirming school climates. Educators value and build strong family, community, and school partnerships.

**Principle #2: INTELLECTUAL QUALITY OF INSTRUCTION AND MEANINGFUL ACCESS**

English learners engage in intellectually rich, developmentally appropriate learning experiences that foster high levels of English proficiency. These experiences integrate language development, literacy, and content learning as well as provide access for comprehension and participation through native language instruction and scaffolding. English learners have meaningful access to a full standards-based and relevant curriculum and the opportunity to develop proficiency in English and other languages.

**Principle #3: SYSTEM CONDITIONS THAT SUPPORT EFFECTIVENESS**

Each level of the school system (state, county, district, school, pre-school) has leaders and educators who are knowledgeable of and responsive to the strengths and needs of English learners and their communities, and utilize valid assessment and other data systems that inform instruction and continuous improvement; resources and tiered support is provided to ensure strong programs and build the capacity of teachers and staff to build on the strengths and meet the needs of English learners.

**Principle #4: ALIGNMENT AND ARTICULATION WITHIN AND ACROSS SYSTEMS**

English learners experience a coherent, articulated and aligned set of practices and pathways across grade levels and educational segments beginning with a strong foundation in early childhood and continuing through to reclassification, graduation and higher education. These pathways foster the skills, language(s), literacy and knowledge students need for college- and career- readiness and participation in a global, diverse multilingual 21st century world.

The California State Board of Education will direct the California Department of Education to provide guidance to districts and intermediary support organizations (e.g., county offices of education, California Collaborative for Educational Excellence) on how districts and schools can implement and strengthen comprehensive, research-based programs and services for all profiles of English learners via the LCAP, and provide support for establishing continuous improvement strategies and expectations that enable access to college- and career-ready learning as well as opportunities to attain the State Seal of Biliteracy.

The guidance will invest in and build educators’ professional capacity; emphasize collaborative efforts; support effective pedagogy; and develop systemic solutions to create a coherent and positive education system. The guidance will encourage innovative district and school implementation of evidence-based practices for curricula, materials adoption and development, instruction, professional development and leadership that are responsive to the differentiated strengths and needs of English learners, and strengthening appropriate assessment tools and practices. The guidance will be consistent with the requirements set forth in state and federal laws addressing English learners.
ITEM 06
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2017 AGENDA

SUBJECT

California Education for a Global Economy Initiative:
Commencement of Rulemaking Process for Amendments to Title 5 of the California Code of Regulations Sections 11300, 11301, 11309, 11310, and 11316 and Adoption of Proposed Sections 11311 and 11312

SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) is responsible for the implementation of the California Education for a Global Economy (CA Ed.G.E.) Initiative. This initiative was passed in the Legislature as Senate Bill 1174, Statutes of 2014, Section 5, and was approved by voters on November 8, 2016. The CA Ed.G.E. Initiative amends California Education Code (EC) sections 300, 305, 306, 310, 320, and 335, and repeals EC Section 311. The amended statutes are operative July 1, 2017.

The CDE is submitting proposed amendments to the California Code of Regulations, Title 5, sections 11300, 11301, 11309, 11310, 11316 and adding sections 11311 and 11312. The CDE recommends the State Board of Education (SBE) approve the commencement of the rulemaking process, including a public comment period, resulting in regulations that may be adopted for the implementation of the CA Ed.G.E. Initiative.

RECOMMENDATION

The CDE recommends the SBE take the following actions:

- Approve the Notice of Proposed Rulemaking (Notice)
- Approve the Initial Statement of Reasons (ISOR)
- Direct the CDE to commence the rulemaking process
- Approve the proposed regulations
- Authorize the CDE to take any necessary 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 CA Ed.G.E. Initiative amends or repeals provisions of Proposition 227, a measure approved by the voters in June 1998, codified in EC sections 300, 305, 306, 310, 311, 320, and 335. Proposition 227 required, among other things, that “all children in California public schools be taught English by being taught in English” (EC Section 305).

Proposition 227 specified that English learner pupils be educated through a sheltered English immersion process during a temporary transition period not normally intended to exceed one year. Participation in sheltered English immersion could be waived through a process initiated by a written request for a bilingual program from a pupil’s parent or legal guardian. The CA Ed.G.E Initiative amends or repeals these requirements.

The CA Ed.G.E. Initiative acknowledges the benefits and opportunity that multilingual education provides students as a vehicle toward participation in a global economy. This initiative provides opportunity for English learners and native English speakers to participate in a program that leads to proficiency in English and another language.

Three sections (EC sections 305, 306, and 310) of the amended statute necessitate regulation. The proposed regulations address:

1. The inclusion of parents and community members while considering the establishment and implementation of language acquisition programs at school districts or county offices of education, during the development of local control and accountability plans.
2. Notification to parents regarding the language acquisition programs provided in the school district or county office of education.
3. A process for receiving and responding to parent requests for language acquisition programs provided at a school site.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

On May 30, 2002, the SBE adopted the current regulations implementing Proposition 227. In January 2003, the regulations for the implementation of Proposition 227 became operative.

FISCAL ANALYSIS (AS APPROPRIATE)

An Economic and Fiscal Impact Statement, Attachment 4, will be provided as an Addendum.
ATTACHMENT(S)

Attachment 1: Notice of Proposed Rulemaking (5 pages)
Attachment 2: Initial Statement of Reasons (10 pages)
Attachment 3: Proposed Regulations (9 pages)
Attachment 4: Economic and Fiscal Impact Statement (STD.399) (5 pages) This Attachment will be provided as an Item Addendum.
NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING California Education for a Global Economy Initiative

[Notice published July 28, 2017]

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

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 1:30 p.m. on September 11, 2017, 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:

Patricia Alverson, 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 11, 2017. 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: Section 33031, Education Code.

References: Sections 305, 306, 310, 313, 18100, 18101, 44253.3, 44253.4, 48980, 48981, 48985, 51210.2, 51222, 52060, 52062, 52063, 52064, 52066, 52067, 52068, 52069, 56028, 56055, 60605, 60605.1, 60605.2, 60605.3, 60605.4, 60605.5, 60605.8, 60605.11, and 60605.13, Education Code; Sections 361 and 727, Welfare and Institutions Code; 20 U.S.C. Sections 1703, 6311, and 6318; Sections 11308, 15495(b), and 15496(f), Title 5 California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In November 2016, California voters approved Proposition 58, initiated by Senate Bill 1174, Statutes of 2014, Section 5, and referred to as the California Education for a Global Economy (CA Ed.G.E.) Initiative. This initiative amends California Education Code (EC) sections 300, 305, 306, 310, 320, and 335, and repeals EC Section 311, all of which were enacted in 1998 with the voter approved Proposition 227. The amended statutes in the CA Ed.G.E. Initiative became operative July 1, 2017.

The enactment of the CA Ed.G.E. Initiative affects current sections 11300, 11301, 11309, 11310, and 11316 of the Title 5 of the Code of Regulations (5 CCR), which currently implement Proposition 227. The applicable language in each section will be modified or replaced with language implementing EC sections 300, 305, 306, and 310, as amended by Proposition 58. Additionally, sections 11311 and 11312 are added to 5 CCR to address parent requests for language acquisition programs and language programs.

The CA Ed.G.E. Initiative acknowledges the benefits that multilingual education provides students toward participation in a global economy. It provides opportunities for English learners and native speakers of English to participate in a program that leads to proficiency in English and another language, if so desired. The acquisition of English as rapidly and as effectively as possible for English learners continues to be a state priority.
School districts, county offices of education, schools, and parents seek direction regarding the implementation of the CA Ed.G.E. Initiative. These regulations will provide specificity not included in the statute, thus aiding school districts and county offices of education to comply with the provisions of the law. Clear direction is particularly needed to ensure districts and county offices of education engage with parents and the community with respect to the provision of language acquisition programs.

*Anticipated Benefits of the Proposed Regulation*

The proposed regulations are intended to assist school districts and county offices of education in complying with the provisions and intent of the CA Ed.G.E. Initiative. Each regulation is designed to guide school districts and county offices of education, or school sites, toward a practice that incorporates parents and stakeholders into the process of establishing language acquisition programs and language programs. The regulations acknowledge that it takes time, research, resources, and deliberate planning to successfully develop and establish an instructional program that leads students toward proficiency and academic achievement in English and an additional language, if so desired.

*Determination of Inconsistency/Incompatibility with Existing State Regulations*

The CDE reviewed state regulations relating to the CA Ed.G.E. Initiative and has not found regulations that are inconsistent or incompatible with these proposed regulations regarding state or federal law.

**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 local educational agencies: 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 effect on any small business because the activities specified in the regulations affect only schools districts and county offices of education.

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) affect the expansion of businesses currently doing business within California.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed, 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:

Lorrie Kelling, Education Programs Assistant
English Learner Support Division
California Department of Education
1430 N Street, Suite 2204
Sacramento, CA 95814
Telephone: 916-319-0386
E-mail: CA-EDGE@cde.ca.gov
Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or the back-up 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 regulation and has available all the information upon which the proposal is based.

**TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS**

Copies of the exact language of the proposed regulations, 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 Proposed Rulemaking and Regulations Web page 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 Lorrie Kelling, English Learner Support Division, 1430 N Street, Room 2204, Sacramento, CA, 95814; telephone 916-319-0386, e-mail CA-EDGE@cde.ca.gov. It is recommended that assistance be requested at least two weeks prior to the hearing.
INITIAL STATEMENT OF REASONS
California Education for a Global Economy Initiative

INTRODUCTION

In November 2016, California voters approved Proposition 58, initiated by Senate Bill 1174, Statutes of 2014, Section 5, and referred to as the California Education for a Global Economy (CA Ed.G.E.) Initiative. This initiative amends California Education Code (EC) sections 300, 305, 306, 310, 320, and 335 and repeals EC Section 311, all of which were enacted in 1998 with the voter-approved Proposition 227.

Proposition 227 required that “all children in California public schools be taught English by being taught in English.” It directed that English learner pupils be educated through a sheltered English immersion program during a temporary transition period, not normally to exceed one year. It allowed for a waiver of this requirement when a pupil’s parent or legal guardian provided written consent and certain additional conditions were met.

The CA Ed.G.E. Initiative acknowledges the benefits that multilingual education provides students toward participation in a global economy. It provides opportunity for English learners and native speakers of English to participate in a program that leads to proficiency in English and another language. A state priority continues to be that English learners acquire English as rapidly and as effectively as possible. Also, the CA Ed.G.E. Initiative encourages school districts and county offices of education to offer language programs for native speakers of English to develop proficiency in a language other than English. The amended statutes in the CA Ed.G.E. Initiative became operative July 1, 2017.

The CA. Ed.G.E. Initiative integrates the consideration of the types of language acquisition programs to be provided into the development of the Local Control and Accountability Plan (LCAP). School districts and county offices of education inform and receive input on language acquisition programs that reflect the interests and needs of the community. Ultimately, parents interested in a program under this initiative may request such at their school site. Provisions in the initiative specify thresholds for when a school must provide that program, to the extent possible.

The role that parents and community members play in choosing language acquisition programs is at the center of the legislation. It provides opportunities for parent and community engagement and decision-making at the county office of education, school district, and school site levels, as partners in the preparation of their children to become full and effective participants in the global economy.

PROBLEM AGENCY INTENDS TO ADDRESS

The enactment of the CA Ed.G.E. Initiative affects current sections 11300, 11301, 11309, 11310, and 11316 of Title 5 of the California Code of Regulations (5 CCR),...
which currently implement Proposition 227. The applicable language in each section will be modified or replaced with language implementing EC sections 300, 305, 306, and 310, as amended by Proposition 58. Additionally, sections 11311 and 11312 are added to 5 CCR to address parent requests for language acquisition programs and language programs.

School districts, county offices of education, schools, and parents are seeking direction regarding the implementation of the CA Ed.G.E. Initiative. These regulations are necessary to provide clarity and specificity not provided by the statute, and thus aid school districts and county offices of education in complying with the provisions of the law. Clear direction is particularly needed to ensure districts and county offices of education engage with parents and the community with respect to the provision of language acquisition programs and language programs.

**BENEFITS ANTICIPATED FROM REGULATORY ACTION**

The proposed regulations are intended to assist school districts and county offices of education in complying with the provisions and fulfilling the intent of the CA Ed.G.E. Initiative. Each regulation is designed to guide school districts and county offices of education, or school sites, toward a practice that incorporates parents and stakeholders into the process of establishing language acquisition programs. The regulations acknowledge that it takes time, research, resources, and deliberate planning to successfully develop and establish an instructional program that leads students toward proficiency and academic achievement in English and an additional language, if so desired.

**SPECIFIC PURPOSE OF EACH SECTION – GOV. CODE SECTION 11346.2(b)(1)**

The specific purpose of each adoption or amendment, and the rationale for the determination that each adoption or 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 adoption or amendment is intended to address, is as follows:

**Current section 11300** is deleted to remove current language addressing "school term," which was established to implement the provisions of Proposition 227. It defines a term in EC Section 330, which refers to the operative date for Proposition 227. This language is no longer necessary because the CA Ed.G.E. Initiative substantially amends Proposition 227.

**Proposed section 11300** is added to define and clarify key terms used within these regulations. This is necessary to establish uniformity and consistency in the implementation of the CA Ed.G.E. Initiative and the understanding of these regulations.
Proposed section 11300(a) is added to define “Designated English Language Development (ELD)”. It is necessary to define this term because it is used in the proposed sections 11300(d) and 11309(c)(1) in these regulations to describe one of the components of English language acquisition programs.

Proposed section 11300(b) is added to define “English learner parent advisory committee,” by reference to the Local Control Funding Formula (LCFF) definitions in EC sections 52060 and 52068. The CA Ed.G.E. Initiative requires parent and community engagement regarding language acquisition programs and language programs as part of the process of developing a school district or county office of education LCAP, as required by LCFF. The definition of “English learner parent advisory committee”, included in the regulations, aligns to the LCFF and provides for consistent application in these regulations.

Proposed section 11300(c) is added to define “Integrated English Language Development”. It is necessary to define this term because it is used in the proposed sections 11300(d) and 11309(c)(1) in these regulations to describe one of the components of English language acquisition programs.

Proposed section 11300(d) is added to clarify that a “language acquisition program,” as specified in EC Section 306(c), is designed for English learners, and includes the components set forth in the proposed section 11309.

Proposed section 11300(e) is added to clarify that “language programs,” referred to in EC sections 300(k) and 310(b)(2), are designed for students seeking an opportunity to develop proficiency in a language other than English to a degree sufficient to produce proficiency in that other language. This definition is necessary to distinguish between “language programs” and “language acquisition programs”, which are designed for English learners.

Proposed section 11300(f) is added to define the term “Local Control and Accountability Plan (LCAP),” referred to in EC Section 305(a)(1). This definition is based on EC sections 52060 and 52066, and is included to align this term to its meaning under LCFF and to provide for consistent application in these regulations.

Proposed section 11300(g) is added to define the term “local educational agency (LEA)” for the purposes of these regulations as including school districts and county offices of education. Education Code sections 305(a)(2), (b), and (c) refer to only school districts and county offices of education. Accordingly, charter schools are not governed by the CA Ed.G.E. Initiative and are not included in the term “local educational agency” as used by these regulations.

Proposed section 11300(h) is added to define “parent advisory committee” as referenced in EC sections 52060 and 52068. The CA Ed.G.E. Initiative requires parent and community engagement regarding language acquisition programs and language programs as part of the process of developing a school district or county office of
education LCAP, as required by LCFF. This definition is included to align this term to its meaning under LCFF and to provide for consistent application in these regulations.

**Proposed section 11300(i)** is added to define “parents” as referenced throughout these regulations. The definition clarifies that the terminology “parents” and “parents and legal guardians,” as used by the CA Ed.G.E. Initiative, means the same as the definition of “parents” under LCFF implementing regulations, 5 CCR, section 15495(e).

**Proposed section 11300(j)** is added to define “stakeholders,” referred to in section 11301 of these regulations. This term is necessary to clarify those individuals and groups which an LEA must inform and receive input from regarding language acquisition programs and language programs during the LCAP development process.

**Proposed section 11300(k)** is added to define the “state-adopted academic content standards” in which language acquisition programs, provided by an LEA, are required to lead to proficiency as described in proposed section 11309 of these regulations.

**Proposed section 11300(l)** is added to define “state-adopted English language development standards” referenced in EC sections 305 and 306 as the subject matter identified in EC Section 60811.

**Proposed section 11300(m)** is added to facilitate access to the definition of “Structured English Immersion (SEI),” in EC sections 305(a)(2) and 306(c)(3).

**Current section 11301** is deleted to remove language addressing knowledge and fluency in English, the requirement to place English learners in a sheltered English immersion classroom, and eventual placement in an English language mainstream program. This language is no longer necessary because the CA Ed.G.E. Initiative substantially amends Proposition 227.

**Proposed section 11301(a)** is added to clarify that EC Section 305(a)(1), which requires LEAs to inform and receive input from stakeholders on language acquisition programs and language programs as part of the development of the LCAP, as referenced in EC sections 52062 and 52068. This regulation is necessary to integrate this activity into the required defined process.

**Proposed section 11301(b)** is added to provide exemplars of methods an LEA might utilize to inform and receive input from stakeholder engagement sessions. This regulation is beneficial because it encourages LEAs to make use of processes commonly used by LEAs to communicate with stakeholders.

**Proposed section 11301(c)** is added to ensure the process of engaging parents and stakeholders is transparent by requiring responses to parent and stakeholder comments, consistent with the provisions of EC sections 52062 and 52068. This regulation is necessary to ensure that stakeholders have a meaningful opportunity to
fully engage with the LEA regarding language acquisition programs and language programs through processes commonly used by LEAs.

Current section 11309 is deleted to remove the language regarding Parental Exception Waivers. This regulation is deleted because the Parental Exception Waiver section in *EC* sections 310 and 311 were repealed by the CA Ed.G.E. Initiative and the language is no longer required.

Proposed section 11309(a) is added to require that LEAs provide language acquisition programs for English learners consistent with these regulations. This is necessary to ensure consistent opportunities in all LEAs for English learners to learn English and achieve academically as intended by the programs identified in the CA Ed.G.E. Initiative.

Proposed section 11309(b) is added because *EC* Section 305(b) requires LEAs to confer with teachers and administrators with English learner authorizations and expertise regarding the creation and implementation of language acquisition programs. This regulation is necessary to ensure the LEA provides opportunity for school personnel to be consulted during the process to design and implement language acquisition programs.

Proposed section 11309(c) is added to connect *EC* sections 305(a)(1), (2), and 306(c) with the federal obligations for the creation, implementation, and evaluation of language acquisition programs for English learners. The obligations detailed in this section are supported by 20 U.S.C. Section 1703.

Proposed section 11309(c)(1) is added to describe essential considerations that ensure viable programs for English learners and includes both Designated and Integrated English Language Development, defined in proposed sections 11300(a) and (c). Together, these English Language Development instructional designs comprise a comprehensive approach to the delivery of the English Language Development standards, as required in *EC* sections 305(a)(2) and 306(c). This regulation is necessary to ensure that LEAs understand the dual obligation to provide programs that lead English learners to attainment of English proficiency, and address the language needs that provide meaningful access to the curriculum.

Proposed section 11309(c)(2) is added to ensure that *EC* sections 305(a)(1), 305(a)(2) and 306(c) can be implemented by affording the resources necessary for the program to be effective. This regulation is necessary to articulate the expectation that LEAs reasonably calculate and allocate adequate resources to ensure that the implementation of language acquisition programs lead to the desired results.

Proposed sections 11309(c)(3)(A) and (B) are added to require that language acquisition programs provided under *EC* sections 305(a)(1), 305(a)(2), and 306(c), in practice lead to, within a reasonable period of time, both English proficiency and academic achievement in English and, when appropriate a language other than English.
This regulation is necessary to ensure language acquisition programs show
effectiveness in pupils learning English and meeting academic achievement goals over
a reasonable amount of time based on program design.

**Proposed section 11309(d)** is added to emphasize that at a minimum, SEI is provided
as an instructional program option for English learners. This regulation is necessary to
ensure compliance with *EC* Section 305(a)(2).

**Proposed section 11309(e)** is added to further clarify *EC* Section 306 and proposed
section 11300(d) of these regulations, which describe language acquisition programs as
educational programs designed for English learners. This regulation specifies that a
language acquisition program may serve both English learners and native speakers of
English. This regulation is necessary to allow LEAs to include both English learners and
native speakers of English to participate in language learning.

**Current section 11310** is deleted to remove the language defining the State Board of
Education (SBE) review of guidelines for Parental Exception Waivers. The Parental
Exception Waiver requirement in *EC* sections 310 and 311 was repealed with the
passage of the CA Ed. G. E. Initiative, and is no longer required.

**Proposed section 11310(a)** is added to incorporate the implementation of *EC* Section
310(b)(2) with the *EC* sections 48980 and 48981 protocols for notifying parents of
opportunities for language acquisition programs and language programs. This
regulation is necessary to ensure meaningful access for all parents to the information on
such programs available in the LEA, including the process to request those programs.

**Proposed section 11310(b), subdivisions (1) through (3)** is added to define the
necessary steps to operationalize *EC* Section 310, which delineates the minimum
content required for each description of the language acquisition programs offered for
English learners. This requirement is necessary for parents to have the essential
information to assist them in choosing a language acquisition program that best suits
their child.

**Proposed section 11310(c)** is added to clarify that LEAs are required to notice all
parents regarding any language programs available, as applicable. This regulation is
necessary to describe the requirements of the notice, and the program elements that
LEAs might also include for the purpose of clear communication with parents about
available language programs.

**Proposed section 11310(d)** is added to define the parameters of “upon enrollment” in
*EC* Section 310(b)(2). This regulation is necessary to specify which students receive
notice upon enrollment, rather than the beginning of the school year, when LEAs
customarily provide notice pursuant to *EC* Section 48980.
Proposed section 11310(e) is added to facilitate parent access to notices pursuant to EC Section 310(b)(2) regarding language acquisition programs and language programs. This regulation is necessary to comply with the equal opportunity requirements of 20 U.S.C. Section 1703(f).

Proposed section 11311(a)(1–4) is added to specify the actions required of LEAs and schools to comply with EC Section 310(a). This regulation is necessary to ensure consistent practice in recording and tracking parent requests, expediting a prompt response to parents when the specified threshold is reached.

Proposed sections 11311(b) is added to provide opportunity for parents who need to submit their request for a language acquisition program verbally. This regulation is necessary to ensure parents are able to submit their language acquisition program request consistent with EC Section 310(a).

Proposed sections 11311(c) is added to ensure parents who have questions or otherwise need assistance with requesting a language acquisition program receive such assistance. This regulation is necessary to ensure LEAs assist parents to be able to submit a request for a language acquisition program of their choice.

Proposed section 11311(d) is added to specify the duration of the validity of a parent request for a language acquisition program. Because the time needed to investigate and/or establish a language acquisition program can run from one year to the next, this regulation is necessary to give meaning to a parent request by preventing such requests from becoming irrelevant prior to action by the school or LEA.

Proposed section 11311(e) is added to clarify that students who pre-enroll in a school for the following school year may request a language acquisition program and be counted in the number of requests required to reach a threshold specified in subdivision (g) of this section. This regulation is necessary to facilitate program planning and implementation.

Proposed section 11311(f) is added to clarify and make consistent the process by which schools of an LEA will review parent requests for language acquisition programs to determine when the thresholds specified in EC Section 310(a) are reached, and to begin the process identified in section 11311, subdivisions (g) through (i), for determining whether it is possible to establish a language acquisition program.

Proposed section 11311(g)(1) is added to consistently ensure that an LEA communicates in a timely manner with the parents and the school’s teachers and administrators that the threshold number of parent requests to establish a language acquisition program has been reached. This regulation is necessary to ensure LEAs demonstrate transparency regarding the status of parent requests and the process that follows.
Proposed section 11311(g)(2) is added to ensure an LEA identifies resources required to implement a language acquisition program in connection with its determination as to whether it is possible to establish a language acquisition program requested by parents. This subdivision is necessary to ensure that LEAs follow a process to identify those resources required to implement any language acquisition program, consistent with the requirements of state and federal law referenced in support of the regulation.

Proposed section 11311(g)(3) is added to require LEAs to determine whether it is possible to establish a language acquisition program in response to parent requests. The 90-day timeline provided in the proposed regulation is a reasonable time for the LEA to make its determination, allowing sufficient time for the LEA to conduct an analysis of essential resources to implement a language acquisition program at the specified school and to notify parents and school personnel of the decision.

Proposed section 11311(g)(3)(A) is added to specify the actions an LEA is to take to move forward with the implementation of a language acquisition program. A reasonable timeline is created to outline actions taken by the LEA and school to implement the requested program. The timeline is shared with parents, school personnel, and the community. This regulation is necessary to support meaningful parent communication regarding the language acquisition program parents have requested.

Proposed section 11311(g)(3)(B) is added to ensure that when an LEA determines it is not possible to establish a language acquisition program requested by parents, it will explain the reason for the determination. This is necessary to ensure that LEAs engage in the process set forth in subdivision 11311(g), and in addition, to assist parents, and the school’s teachers and administrators in understanding the reasons for an LEA’s determination. This subdivision further clarifies that when an LEA determines it is not possible to implement a language acquisition program requested by parents, the LEA may offer a program other than the program requested.

Proposed section 11311(h) is added to clarify that an LEA must respond to parents’ requests for a language acquisition program at the school at which their pupils are enrolled even if the LEA offers the requested language acquisition program at another school of the LEA.

Proposed section 11311(i) is added to clarify that a school may consider requests for a language acquisition program from parents of native speakers of English enrolled in a school when determining whether a threshold set forth in subdivision 11311(g) is met. This is necessary to allow LEAs to establish language acquisition programs in which the participation of native speakers of English is an essential element of the program design and in meeting the program goals.

Proposed section 11312 is added to clarify that when an LEA establishes a language program, or proposes to offer a language program, it is required to create a process for
schools to respond to input from parents and stakeholders regarding the non-English language in which instruction is provided.

**Current section 11316** is amended to more clearly align the text of the regulation with the text of these proposed regulations. The title is changed to more accurately reflect the content of the amended section, and to avoid confusion with proposed section 11310. Additionally, “and guardians” is removed to align with the definition “parents” in proposed subdivision 11300(i).

**ECONOMIC IMPACT ASSESSMENT PER GOV. CODE SECTION 11346.3(b)**

*Purpose:*

The CDE has determined that only school districts and county offices of education, as defined by EC Section 60603(o), are impacted by these amended regulations in order to comply with the provisions of EC sections 305, 306, and 310.

**Creation or Elimination of Jobs Within the State of California:**

The proposed regulations are designed to provide clarity and support the administration of statutory requirements outlined in EC sections 305, 306, and 310. Adoption of the proposed regulations will not create new or eliminate existing jobs within the State of California because they apply only to school districts and county offices of education, and do not apply to or impact business.

**Expansion of Businesses or Elimination of Businesses Currently Doing Business within the State of California:**

The proposed regulations are designed to provide clarity and support the administration of statutory requirements outlined in EC sections 305, 306, and 310. Adoption of the proposed regulations will not expand or eliminate businesses currently doing business within the State of California because they apply only to school districts and county offices of education, and do not apply to or impact business.

**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. The anticipated benefit to the proposed regulations is effective state and local implementation of the provisions of the CA Ed.G.E. Initiative.
OTHER REQUIRED SHOWINGS

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

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

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

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

Reasonable Alternatives that Would Lessen the Impact on Small Businesses – Gov. Code Section 11346.2(b)(5)(B):

The SBE has not identified any adverse impact, therefore no alternatives would impact small business.

Evidence Relied Upon to Support the Initial Determination that the Regulations Will Not Have a Significant Adverse Economic Impact on Business – Gov. Code Section 11346.2(b)(5)(A):

The proposed regulations would not have a significant adverse economic impact on any business. The activities specified in the regulations affect only school districts and county offices of education.

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.

An evaluation of the proposed regulations have determined they are not inconsistent/incompatible with existing regulations, pursuant to Government Section 11346.5(a)(3)(D).
• The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in strikeout.

Title 5. EDUCATION
Division 1. California Department of Education
Chapter 11. Special Programs
Subchapter 4. English Language Learner Education

§ 11300. Definitions.

“School term” as used in Education Code section 330 means each school's semester or equivalent, as determined by the local governing board, which next begins following August 2, 1998. For multitrack or year round schools, a semester or equivalent may begin on different days for each school track.

(a) “Designated English Language Development” means instruction provided during a protected time during the regular school day, in which there is a focus on state-adopted English language development (ELD) standards to assist English learners to develop critical English language skills necessary for academic content learning in English.

(b) “English learner parent advisory committee,” means the committee established by a school district or county superintendent of schools pursuant to Education Code sections 52063 and 52069, and Title 5 California Code of Regulations section 15495(b).

(c) “Integrated English Language Development” means instruction in which the state-adopted ELD standards are used in tandem with the state-adopted academic content standards. Integrated ELD includes specially designed academic instruction in English.

(d) “Language acquisition programs” are educational programs designed for English learners to ensure English acquisition as rapidly and effectively as possible, that provide instruction to these pupils on the state-adopted academic content and ELD standards through Integrated and Designated ELD, and that meet the requirements described in section 11309 of this subchapter.
(e) “Language programs” are programs that are designed to provide opportunities for pupils to be instructed in languages other than English to a degree sufficient to produce proficiency in those languages, consistent with the provisions of Education Code section 305, subdivision (c).

(f) “Local control and accountability plan (LCAP)” means the plan created by a local educational agency (LEA) pursuant to Education Code sections 52060 or 52066, as applicable to the LEA.

(g) “Local educational agency (LEA)” means a school district or county office of education.

(h) “Parent advisory committee” means a committee established by a school district or county superintendent of schools pursuant to Education Code sections 52063 or 50269.

(i) "Parents" means the natural or adoptive parents, legal guardians, or other persons holding the right to make educational decisions for the pupil pursuant to Welfare and Institutions Code section 361 or 727, or Education Code section 56028 or 56055, including foster parents who hold rights to make educational decisions.

(j) “Stakeholders” means parents, pupils, teachers, administrators, other school personnel, and interested members of the public.

(k) “State-adopted academic content standards” means the subject matter covered in Education Code sections 18100, 18101, 51210.2, 51222, 60605, 60605.1, 60605.2, 60605.3, 60605.4, 60605.5, 60605.8, 60605.11, 60605.13.

(l) “State-adopted English language development standards” means standards adopted pursuant to Education Code section 60811.

(m) “Structured English Immersion (SEI)” means a language acquisition program, where nearly all instruction is provided in English, with a curriculum and presentation designed for pupils who are learning English.

Note: Authority cited: Section 33031, Education Code. Reference: Sections 305, 306, 310, 18100, 18101, 51210.2, 51222, 52060, 52063, 52064, 52066, 52067, 52068, 52069, 56028, 56055, 60605, 60605.1, 60605.2, 60605.3, 60605.4, 60605.5, 60605.8, 60605.11, and 60605.13, Education Code; Sections 361 and 727, Welfare and
Institutions Code; Sections 11308, 15495(b), and 15496(f), Title 5 California Code of Regulations.

(a) § 11301. Knowledge and Fluency in English.

(a) For purposes of “a good working knowledge of English” pursuant to Education Code Section 305 and “reasonable fluency in English” pursuant to Education Code Section 306(c), an English learner shall be transferred from a structured English immersion classroom to an English language mainstream classroom when the pupil has acquired a reasonable level of English proficiency as measured by any of the state-designated assessments approved by the California Department of Education, or any locally developed assessments.

(b) At any time, including during the school year, a parent or guardian may have his or her child moved into an English language mainstream classroom.

(c) An English learner may be re-enrolled in a structured English immersion program not normally intended to exceed one year if the pupil has not achieved a reasonable level of English proficiency as defined in Section 11301(a) unless the parents or guardians of the pupil object to the extended placement.


§ 11301. Community Engagement

(a) As part of the development of the LCAP and annual updates, an LEA shall inform and receive input from stakeholders, including the English learner parent advisory committee and the parent advisory committee, regarding the LEA’s existing language acquisition programs and language programs, and establishing other such programs.

(b) An LEA process for informing stakeholders and receiving input may include procedures such as stakeholder surveys, forums, and meetings with school advisory committees, or other groups representing stakeholders.

(c) Prior to adoption of an LEA’s LCAP, the school district superintendent or the county superintendent of schools shall include a written response to input received from the LEA’s English learner parent advisory committee and parent advisory committee.
§ 11309. Parental Exception Waivers.

(a) In order to facilitate parental choice of program, all parents and guardians must be informed of the placement of their children in a structured English immersion program and must be notified of an opportunity to apply for a parental exception waiver. The notice shall also include a description of the locally-adopted procedures for requesting a parental exception waiver, and any locally-adopted guidelines for evaluating a parental waiver request.

(b) School districts shall establish procedures for granting parental exception waivers as permitted by Education Code sections 310 and 311 which include each of the following components:

1. Parents and guardians must be provided with a full written description and upon request from a parent or guardian, a spoken description of the structured English immersion program and any alternative courses of study and all educational opportunities offered by the school district and available to the pupil. The descriptions of the program choices shall address the educational materials to be used in the different options.

2. Pursuant to Education Code section 311(c), parents and guardians must be informed that the pupil must be placed for a period of not less than thirty (30) calendar days in an English-language classroom and that the school district superintendent must approve the waiver pursuant to guidelines established by the local governing board.

3. Pursuant to Education Code sections 311(b) and (c), the school principal and educational staff may recommend a waiver to a parent or guardian. Parents and guardians must be informed in writing of any recommendation for an alternative program made by the school principal and educational staff and must be given notice of their right to refuse to accept the recommendation. The notice shall include a full description of the recommended alternative program and the educational materials to be used for the alternative program as well as a description of all other programs.

available to the pupil. If the parent or guardian elects to request the alternative program recommended by the school principal and educational staff, the parent or guardian must comply with the requirements of Education Code section 310 and all procedures and requirements otherwise applicable to a parental exception waiver.

(4) Parental exception waivers shall be granted unless the school principal and educational staff have determined that an alternative program offered at the school would not be better suited for the overall educational development of the pupil.

(c) All parental exception waivers shall be acted upon by the school within twenty (20) instructional days of submission to the school principal. However, parental waiver requests under Education Code section 311(c) shall not be acted upon during the thirty (30)-day placement in an English language classroom. These waivers must be acted upon either no later than ten (10) calendar days after the expiration of that thirty (30)-day English language classroom placement or within twenty (20) instructional days of submission of the parental waiver to the school principal, whichever is later.

(d) In cases where a parental exception waiver pursuant to Education Code sections 311(b) and (c) is denied, the parents and guardians must be informed in writing of the reason(s) for denial and advised that they may appeal the decision to the local board of education if such an appeal is authorized by the local board of education, or to the court.

(e) For waivers pursuant to Education Code section 311(a) and for students for whom standardized assessment data is not available, school districts may use equivalent measures as determined by the local governing board.


§ 11309. Language Acquisition Programs
(a) LEAs shall provide language acquisition programs for English learners consistent with these regulations.
(b) Whenever an LEA establishes a language acquisition program, the LEA shall confer with school personnel, including teachers and administrators with authorizations...
required to provide or oversee programs and services for English learners, regarding
the design and content of the language acquisition program.

(c) Any language acquisition program provided by an LEA shall:
(1) Be designed using evidence-based research and include both Designated and
Integrated ELD;
(2) Be allocated sufficient resources by the LEA to be effectively implemented,
including, but not limited to certificated teachers with the appropriate authorizations,
necessary instructional materials, pertinent professional development for the proposed
program, and opportunities for parent and community engagement to support the
proposed program goals; and
(3) Within a reasonable period of time, lead to:
(A) Proficiency in English, and, if applicable, another language; and
(B) Achievement of the state-adopted content standards in English, and, if
applicable, another language.
(d) At minimum, an LEA shall provide a program of SEI for English learners.
(e) An LEA may provide language acquisition programs in addition to SEI, including
programs that integrate instruction for native speakers of English and native speakers of
another language, and meet the requirements of subdivision (c).

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 305, 306,

§ 11310. State Board of Education Review of Guidelines for Parental Exception
Waivers.
(a) Upon written request of the State Board of Education, school district governing
boards shall submit any guidelines or procedures adopted pursuant to Education Code
section 311 to the State Board of Education for its review.
(b) Any parent or guardian who applies for a waiver under Education Code section
311 may request a review of the school district's guidelines or procedures by the State
Board of Education. The sole purpose of the review shall be to make a determination as
to whether those guidelines or procedures comply with the parental exception waiver
guidelines set forth in Section 11309.

§ 11310. Parental Notice.

(a) An LEA shall notify parents of the language acquisition programs and any language programs provided by the LEA at the time and in the manner specified in Education Code sections 48980 and 48981. The notice specified in this section shall include a description of the process for parents to request a language acquisition program or language program for their child.

(b) The notice for language acquisition programs shall include:

(1) A description of any such programs provided, including SEI;

(2) Identification of any language to be taught in addition to English, if applicable; and

(3) The information set forth in section 11309(c).

(c) The notice for language programs shall specify the language(s) to be taught, and may include the program goals, methodology used, and evidence of the proposed program’s effectiveness.

(d) Parents of pupils enrolling in the LEA after the beginning of the academic school year shall be provided the notice described in subdivision (a) upon enrollment. An LEA may provide notice to parents at additional times throughout the year.

(e) The notice to parents pursuant to this section shall be provided as described in subdivision (a). Additionally, verbal notice shall be provided, upon request, as reasonably necessary to effectuate notice to the parents.


§ 11311. Parent Requests for Language Acquisition Programs.

(a) An LEA shall establish a process for schools of the LEA to receive and respond to requests from parents of pupils enrolled in the school to establish language acquisition programs other than, or in addition to, such programs provided at the school. The LEA process shall require each school to make a written record of each request, including at least the following:
(1) The date of the request;

(2) The names of the parent and pupil;

(3) A general description of the request; and

(4) The pupil’s grade level on the date of the request.

(b) Each school shall maintain a written record of verbal requests that includes the information set forth in subdivision (a).

(c) Each school shall assist parents in clarifying requests, as needed.

(d) Each school shall retain written records of parent requests for language acquisition programs for at least three years from the date of the request.

(e) A parent whose pupil is enrolled in a school for attendance in the next school year may submit a request for a language acquisition program.

(f) Each school shall monitor the number of parent requests for language acquisition programs on a regular basis, and notify the LEA immediately upon reaching a threshold specified in subdivision (g).

(g) When the parents of 30 pupils or more enrolled in a school, or when the parents of 20 pupils or more in the same grade level enrolled in a school, request the same or substantially similar type of a language acquisition program, the LEA shall respond by immediately taking the following actions:

(1) Notify the parents of pupils attending the school, the school’s teachers, and administrators, in writing, of the parents’ requests for a language acquisition program;

(2) Identify resources necessary to implement a language acquisition program, including but not limited to certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent and community engagement to support the proposed program goals; and

(3) Determine, within 90 calendar days of reaching the threshold described in subdivision (g), whether it is possible to implement the requested language acquisition program; and provide notice, in writing, to parents of pupils attending the school, the school’s teachers, and administrators, of its determination;
(A) In the case of an affirmative decision to implement a language acquisition program at the school, create and publish a reasonable timeline of actions necessary to implement the language acquisition program.

(B) In the case where the LEA determines it is not possible to implement a language acquisition program requested by parents, the LEA shall provide an explanation of the reason(s) the program cannot be provided, and may offer an alternate option that can be implemented at the school.

(h) Each school shall follow the process set forth in subdivision (f), even when the LEA provides the requested language acquisition program at another school of the LEA at the time the threshold specified in subdivision (g) is met.

(i) A school may consider requests from parents of pupils enrolled in the school who are native speakers of English when determining whether a threshold specified in subdivision (g) is reached.


§ 11312. Language Programs

If an LEA provides a language program or proposes to offer a language program, the LEA shall establish a process for schools of the LEA to receive and respond to input from parents and stakeholders regarding the non-English language in which instruction is provided.

NOTE: Authority cited: Section 33031. Reference: Section 305(c), Education Code.

§ 11316. Language of Parental Notice to Parents or Guardians.

All notices and other communications to parents or guardians required or permitted by these regulations must be provided in English and in the parents' or guardians' primary language to the extent required under Education Code section 48985.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 313 and 48985, Education Code; 20 U.S.C Section 1703(f) and 6318.

6-28-17 [California Department of Education]
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2017 AGENDA

خصوصية

SUBJECT

Requests by eight local educational agencies to waive portions of Education Code Sections 47605 and 47605.1 for eight charter schools which concern Nonclassroom-Based Charter School Resource Center Location.

Waiver Numbers:
- Acton-Agua Dulce Unified School District 16-3-2017
- Butte County Office of Education 34-3-2017
- Fort Sage Unified School District 15-3-2017
- Lucerne Valley Unified School District 35-5-2017
- Oak Grove Union Elementary School District 10-4-2017
- San Gabriel Unified School District 3-5-2017
- Twin Rivers Unified School District 36-4-2017

SUMMARY OF THE ISSUES

Eight local educational agencies (LEAs) are requesting waivers, on behalf of eight charter schools, to allow these nonclassroom-based charter schools’ resource centers to operate outside of the boundaries of the school district, as identified in Attachment 1.

Authority for Waiver: Education Code (EC) Section 33050

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

The California Department of Education recommends that the State Board of Education (SBE) approve the requests from the LEAs for each charter school identified in Attachment 1, consistent with the SBE’s Waiver Policy “Nonclassroom-Based Charter School Resource Center Location,” Policy #17-01 approved by the SBE on March 9, 2017, with the following conditions:

1. Require each charter school’s governing body to approve a transition plan that
details how the charter school’s resource center(s) will come into compliance with the *Anderson* court decision.

2. Pursuant to EC Section 33051(b), each waiver shall expire on June 30, 2018, and shall not be retroactive.

3. Require each charter school to submit the transition plan to the authorizing school district, county office of education, and to all school districts identified in Attachment 1 where the resource centers are located, within 30 days after approval of the waiver.

4. Require each charter school to provide a status update to parents.

5. If the authorizer has not visited the resource center(s) pursuant to EC Section 47604.32(a)(2), require the authorizer to visit the resource center(s) within a reasonable time frame.

### SUMMARY OF KEY ISSUES

In *Anderson Union High School District v. Shasta Secondary Home School* (2016) 4 Cal. App. 5th 262 (*Anderson*), the Third District Court of Appeal (Third District) held that the geographic restrictions in EC sections 47605(a) and 47605.1(d) apply to nonclassroom-based charter schools operating resource centers. Thus, in order to ensure compliance with this court opinion, a nonclassroom-based charter school resource center must operate within the boundaries of its authorizing school district, unless an exception applies. Additionally, the charter school may establish a resource center in an adjacent county.

On January 18, 2017, the California Supreme Court denied review of the Third District’s opinion, which thus became final on that date. In consequence, waiver applications relying on *Anderson* became ripe for consideration. The policy adopted by the SBE sets forth guidelines for the processing of the waiver applications and to facilitate management of the SBE’s agenda. Consistent with *Anderson*, waivers shall apply only to existing, noncomplying resource centers of nonclassroom-based charter schools.

Consistent with the SBE’s policy, the LEAs and the charter schools submitted the following additional information, as detailed in Attachment 1:

1. The address of each resource center, school district in which each resource center is located, date each resource center was established, and the number of students attending each resource center.

2. For each resource center subject to the waiver request, discussion of the need for the waiver.

**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


FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Summary Table: Nonclassroom-Based Charter School Resource Center Location (9 Pages).

Attachment 2: Acton-Agua Dulce Unified School District Waiver Request for iLEAD Hybrid (#1699) 16-3-2017 (8 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Butte County Office of Education Waiver Request for CORE Butte Charter (#0945) 34-3-2017 (14 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Fort Sage Unified School District Waiver Request for Mt. Lassen Charter (#1185) 15-3-2017 (11 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Additional Correspondence from Fort Sage Unified School District Regarding the Waiver Request for Mt. Lassen Charter (#1185) 15-3-2017 (2 Pages).

Attachment 6: Lucerne Valley Unified School District Waiver Request for Sky Mountain Charter (#0905) 35-5-2017 (3 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Oak Grove Union Elementary School District Waiver Request for Pivot Online Charter – North Bay (#1139) 10-4-2017 (6 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: San Gabriel Unified School District Waiver Request for Options for Youth San Gabriel (#0117) 3-5-2017 (4 Pages). (Original waiver request is signed and on file in the Waiver Office.)
Attachment 9: Additional Correspondence from San Gabriel Unified School District Regarding the Waiver Request for Options for Youth San Gabriel (#0117) 3-5-2017 (6 Pages).

Attachment 10: Twin Rivers Unified School District Waiver Request for SAVA: Sacramento Academic and Vocational Academy (#0878) 36-4-2017 (18 Pages). (Original waiver request is signed and on file in the Waiver Office.)


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<th>School District(s) Where Resource Center is Located</th>
<th>Date Resource Center Was Established</th>
<th>Number of Students Attending Resource Center</th>
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<td>Acton-Agua Dulce Unified School District</td>
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<td>Date Resource Center Was Established</td>
<td>Number of Students Attending Resource Center</td>
<td>Need for Waiver</td>
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<tr>
<td>36-4-2017 Twin Rivers Unified School District</td>
<td>SAVA: Sacramento Academic and Vocational Academy (34-76505-0114272 / 0878)</td>
<td>5310-5330 Power Inn Road, Sacramento, CA</td>
<td>Sacramento City Unified School District</td>
<td>2007</td>
<td>356</td>
<td>Immediate closure would cause academic harm and disruption to students being served; employment hardship for the staff; impact ability to meet financial obligations and lease agreements; and become insolvent and filing for bankruptcy.</td>
<td></td>
</tr>
<tr>
<td>36-4-2017 Twin Rivers Unified School District</td>
<td>SAVA: Sacramento Academic and Vocational Academy (34-76505-0114272 / 0878)</td>
<td>6207 Logan Street, Sacramento, CA</td>
<td>Sacramento City Unified School District</td>
<td>2011</td>
<td>140</td>
<td>Immediate closure would cause academic harm and disruption to students being served; employment hardship for the staff; impact ability to meet financial obligations and lease agreements; and become insolvent and filing for bankruptcy.</td>
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<tr>
<td>36-4-2017 Twin Rivers Unified School District</td>
<td>SAVA: Sacramento Academic and Vocational Academy (34-76505-0114272 / 0878)</td>
<td>3141 Dwight Road, Elk Grove, CA</td>
<td>Elk Grove Unified School District</td>
<td>2007</td>
<td>314</td>
<td>Immediate closure would cause academic harm and disruption to students being served; employment hardship for the staff; impact ability to meet financial obligations and lease agreements; and become insolvent and filing for bankruptcy.</td>
<td></td>
</tr>
<tr>
<td>Waiver Number</td>
<td>Local Educational Agency (Charter Authorizer)</td>
<td>Charter School (Charter Number / CDS Code)</td>
<td>Address of Resource Center</td>
<td>School District(s) Where Resource Center is Located</td>
<td>Date Resource Center Was Established</td>
<td>Number of Students Attending Resource Center</td>
<td>Need for Waiver</td>
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<tr>
<td>39-5-2017</td>
<td>William S. Hart Union High School District</td>
<td>Mission View Public (19-65136-0114439 / 0888)</td>
<td>12510 Van Nuys Boulevard, Pacoima, CA</td>
<td>Los Angeles Unified School District</td>
<td>340</td>
<td>2010</td>
<td>Immediate closure would cause academic harm and disruption to students being served; employment hardship for the staff; impact ability to meet financial obligations and lease agreements; and become insolvent and filing for bankruptcy.</td>
</tr>
<tr>
<td>39-5-2017</td>
<td>William S. Hart Union High School District</td>
<td>Mission View Public (19-65136-0114439 / 0888)</td>
<td>14355 Roscoe Boulevard, Panorama City, CA</td>
<td>Los Angeles Unified School District</td>
<td>750</td>
<td>2014</td>
<td>Immediate closure would cause academic harm and disruption to students being served; employment hardship for the staff; impact ability to meet financial obligations and lease agreements; and become insolvent and filing for bankruptcy.</td>
</tr>
<tr>
<td>39-5-2017</td>
<td>William S. Hart Union High School District</td>
<td>Mission View Public (19-65136-0114439 / 0888)</td>
<td>411 South Brand Avenue, San Fernando, CA</td>
<td>Los Angeles Unified School District</td>
<td>175</td>
<td>2015</td>
<td>Immediate closure would cause academic harm and disruption to students being served; employment hardship for the staff; impact ability to meet financial obligations and lease agreements; and become insolvent and filing for bankruptcy.</td>
</tr>
<tr>
<td>Waiver Number</td>
<td>Local Educational Agency (Charter Authorizer)</td>
<td>Charter School (Charter Number / CDS Code)</td>
<td>Address of Resource Center</td>
<td>School District(s) Where Resource Center is Located</td>
<td>Date Resource Center Was Established</td>
<td>Number of Students Attending Resource Center</td>
<td>Need for Waiver</td>
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<tr>
<td>39-5-2017</td>
<td>William S. Hart Union High School District</td>
<td>Mission View Public (19-65136-0114439 / 0888)</td>
<td>11844 Glenoaks Boulevard, San Fernando, CA</td>
<td>Los Angeles Unified School District</td>
<td>200</td>
<td>2014</td>
<td>Immediate closure would cause academic harm and disruption to students being served; employment hardship for the staff; impact ability to meet financial obligations and lease agreements; and become insolvent and filing for bankruptcy.</td>
</tr>
</tbody>
</table>

*Based on a review of the information submitted by the local educational agencies, including the address of the resource center and the school district(s) where the resource center is located, the California Department of Education (CDE) identified an additional school district where the resource center is located.  
**As a result of additional school district(s) where the resource center is located that have been identified by the CDE, the CDE is recommending that the charter school submit the transition plan to the Los Angeles County Office of Education, in addition to the authorizing school district and school districts identified where the resource center is located.

Created by the CDE  
June 2017
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1975309 Waiver Number: 16-3-2017 Active Year: 2017

Date In: 3/17/2017 3:20:37 PM

Local Education Agency: Acton-Agua Dulce Unified
Address: 32248 North Crown Valley Rd.
Acton, CA 93510

Start: 7/1/2017 End: 6/30/2018

Waiver Renewal: N Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Charter School Program
Ed Code Title: Geographic Limitations - Non-classroom Based
Ed Code Section: Portions of Ed. Code Sections 47605(a)(1) and 47605.1
Ed Code Authority: 33050

Ed Code or CCR to Waive: Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law. Education Code section 47605: (a)(1) Except as set forth in paragraph (2), a petition for the establishment of a charter school [within a school district] may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school [that will operate within the geographic boundaries of that school district]. A charter school may propose to operate at multiple sites [within the school district] if each location is identified in the charter school petition. …. (5) [A charter school that is unable to locate within the jurisdiction of the chartering school district may establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, and either of the following circumstances exists: (A) The school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate. (B) The site is needed for temporary use during a construction or expansion project.] Education Code Section 47605.1: (d) [Notwithstanding subdivision (a) or subdivision (a) of Section 47605, a charter school that is unable to locate within the geographic boundaries of the chartering school district may establish one site outside the boundaries of the school district, but within the county within which that school district is...
located, if the school district in which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations, and either of the following circumstances exist: (1) The school has attempted to locate a single site or facility to house the entire program, but such a facility or site is unavailable in the area in which the school chooses to locate. (2) The site is needed for temporary use during a construction or expansion project. … (e)(1) For a charter school that was granted approval of its charter before July 1, 2002, and provided educational services to pupils before July 1, 2002, this section only applies to new [educational services or] school sites established or acquired by the charter school on or after July 1, 2002. (2) For a charter school that was granted approval of its charter before July 1, 2002, but did not provide educational services to pupils before July 1, 2002, this section only applies upon the expiration of a charter that is in existence on January 1, 2003. (3) [Notwithstanding other implementation timelines in this section, by June 30, 2005, or upon the expiration of a charter that is in existence on January 1, 2003, whichever is later, all charter schools shall be required to comply with this section for school sites at which education services are provided to pupils before or after July 1, 2002, regardless of whether the charter school initially received approval of its charter school petition before July 1, 2002. To achieve compliance with this section, a charter school shall be required to receive approval of a charter petition in accordance with this section and Section 47605.] (4) This section is not intended to affect the authority of a governmental entity to revoke a charter that is granted on or before the effective date of this section.

Outcome Rationale: The Acton-Agua Dulce Unified School District (“District”) held a public hearing and directed staff to request a waiver of part of the Education Code with regard to the operations of iLEAD Hybrid Charter School (“iLEAD Hybrid”). The District seeks a waiver from the State Board of Education, pursuant to Education Code section 33050, which authorizes it to waive “all or part of any section of [the Education Code].” Pursuant to the California State Board of Education Policy #17-01, adopted on March 9, 2017, the District seeks this waiver until June 30, 2018. The District seeks a waiver of certain portions of Education Code §§ 47605 and 47605.1 (depicted below in this document).

iLEAD Hybrid operates a WASC-accredited nonclassroom-based charter school that serves K-12 students pursuant to its charter authorized by the District. iLEAD Hybrid’s project-based, multi-age learning model grounded in the arts and humanities goes to the heart of how kids learn, and iLEAD Hybrid incorporates technology as an organic part of the learning process. iLEAD Hybrid’s individual learning plans personalize goals and instruction for each child so that learning is interest-driven, peer-supported, and focused on powerful outcomes. iLEAD Hybrid teaches academic success as well as social and emotional development, life skills and community engagement, to prepare students to be confident problem solvers in college, career and life. iLEAD Hybrid has a facility located in the boundaries of the District. iLEAD Hybrid also currently
Nonclassroom-Based Charter School Resource Center Location
Attachment 2
Page 3 of 8

has six learning studios to support its independent study and homeschool students, located both in the county in which it is authorized (Los Angeles County) and in an adjacent county (Orange County) but outside the geographic boundaries of the District.

iLEAD Hybrid’s learning studios serve between 100-350 students. They are located in response to the growing demands of families who want access to high-quality, project-based, and personalized independent study and homeschool options, but have nowhere else to go for resources to support the educational choice they’ve made for their child. iLEAD Hybrid students rely on the resources at these learning studios, such as computers and technology, to pursue and complete their educational program. If iLEAD Hybrid is unable to keep these learning studios open, it would significantly disrupt students’ educational progress not only at iLEAD Hybrid but as a whole.

As historical background, some of iLEAD Hybrid's learning studios were previously used as resource centers by other nonclassroom based charter schools that closed and left families with nowhere to go. iLEAD Hybrid now serves students at these locations who had no other options to pursue their chosen home school or independent study program.

In October 2016, an appellate court ruled for the first time that charter locations outside the geographic boundaries of the authorizing school district violate the Charter Schools Act unless certain exceptions apply.

Per California State Board of Education Policy #17-01, the District will instruct iLEAD Hybrid to: (1) provide a copy of their transition plan to districts, within Los Angeles County, where resource centers are located; and (2) provide a status update to families about this issue.

The exclusive representatives of employees for collective bargaining were consulted but did not participate in this request for waiver.

iLEAD Hybrid Resource Centers

1. iLEAD Encino Intermediate Learning Studio
Name of Resource Center: iLEAD Encino Intermediate Learning Studio.
Address: 17400 Vanowen Street, Van Nuys, CA 91406.
School District: This learning studio is located in the boundaries of the Los Angeles Unified School District.
Date of Establishment: July 1, 2015.
Number of Students: 313.
Need for the Waiver: This waiver is necessary to ensure the continued success of 313 iLEAD Hybrid students in grades 4-8 who rely on this learning studio for instructional support and resources, like computer labs, technology, special education services, unique learning modules, and field study opportunities, to complete their independent study or home school program. iLEAD Hybrid provides a unique project-based, multi-age learning model to these 313 students, and uses individual learning plans to personalize goals and instruction for each child so that learning is interest-driven, peer-supported, and focused on powerful outcomes. This learning studio supports iLEAD Hybrid students’ academic success as well as social and emotional development with their peers and teachers, life skills and community engagement.
Consistent with the State Board of Education Policy #17-01, this waiver is necessary “in order to minimize disruption to students and the educational program” as iLEAD Hybrid works on a transition plan for this learning studio. This learning studio’s location was in response to the demands of families who wanted access to iLEAD’s high-quality, project-based, and personalized independent study and homeschool options, but had nowhere else to go for resources to support the educational choice they’ve made for their child. If iLEAD Hybrid is
forced to close this resource center without a reasonable transition time, it would significantly disrupt students’ educational progress.

This resource center was previously used by another nonclassroom-based charter school that closed in June 30, 2015. If iLEAD Hybrid did not keep this resource center open, families whose students were not successful in traditional district schools, or who chose independent study for other reasons, would have had nowhere nearby to go. iLEAD Hybrid kept the resource center open and enrolled those students who would have fallen through the cracks, ensuring those students and others have had opportunities to pursue their chosen independent study or home school program.

If the waiver request is granted, it would prevent significant harm to iLEAD Hybrid students and families and would provide the charter school the necessary time to come into compliance with the Shasta decision.

If this resource center and the other resource centers within LAUSD close, students will have to travel over an hour to access the closest resource center. Compounding this problem, iLEAD Hybrid’s other resource centers do not have the capacity to serve all of these displaced students. Closing this resource center in the middle of the school year will likely force many students to disenroll, massively disrupting their education.

2. iLEAD Encino Primary Learning Studio
A. Name of Resource Center: iLEAD Encino Primary Learning Studio.
B. Address: 17500 Burbank Blvd, Encino CA 91316.
C. School District: This resource center is located in the Los Angeles Unified School District.
D. Date of Establishment: July 1, 2015.
E. Number of Students: 106.

Need for the Waiver: This waiver is necessary to ensure the continued success of 106 iLEAD Hybrid students in grades K-3 who rely on this learning studio for instructional support and resources, like computer labs, technology, special education services, unique learning modules, and field study opportunities, to complete their independent study or home school program. iLEAD Hybrid provides a unique project-based, multi-age learning model to these 106 students, and uses individual learning plans to personalize goals and instruction for each child so that learning is interest-driven, peer-supported, and focused on powerful outcomes. This learning studio supports iLEAD Hybrid students’ academic success as well as social and emotional development with their peers and teachers, life skills and community engagement.

Consistent with the State Board of Education Policy #17-01, this waiver is necessary “in order to minimize disruption to students and the educational program” as iLEAD Hybrid works on a transition plan for this learning studio. This learning studio’s location was in response to the demands of families who wanted access to iLEAD’s high-quality, project-based, and personalized independent study and homeschool options, but had nowhere else to go for resources to support the educational choice they’ve made for their child. If iLEAD Hybrid is forced to close this resource center without a reasonable transition time, it would significantly disrupt students’ educational progress.

This resource center was previously used by another nonclassroom-based charter school that closed in June 30, 2015. If iLEAD Hybrid did not keep this resource center open, families whose students were not successful in traditional district schools, or who chose independent study for other reasons, would have had nowhere nearby to go. iLEAD Hybrid kept the resource center open and enrolled those students who would have fallen through the cracks, ensuring those students and others have had opportunities to pursue their chosen independent study or home school program.
If the waiver request is granted, it would prevent significant harm to iLEAD Hybrid students and families and would provide the charter school the necessary time to come into compliance with the Shasta decision.

If this resource center and the other resource centers within LAUSD close, students will have to travel over an hour to access the closest resource center. Compounding this problem, iLEAD Hybrid’s other resource centers do not have the capacity to serve all of these displaced students. Closing this resource center in the middle of the school year will likely force many students to disenroll, massively disrupting their education.

3. iLEAD Antelope Valley
A. Name of Resource Center: iLEAD Antelope Valley.
B. Address: 2110 West Avenue K, Lancaster CA 93536.
C. School District: This resource center is located in the Antelope Valley Union High School District
D. Date of Establishment: July 1, 2015.
E. Number of Students: 271.

Need for the Waiver: This waiver is necessary to ensure the continued success of 271 iLEAD Hybrid students in grades TK-5 who rely on this learning studio for instructional support and resources, like computer labs, technology, special education services, unique learning modules, and field study opportunities, to complete their independent study or home school program. iLEAD Hybrid provides a unique project-based, multi-age learning model to these 271 students, and uses individual learning plans to personalize goals and instruction for each child so that learning is interest-driven, peer-supported, and focused on powerful outcomes. This learning studio supports iLEAD Hybrid students’ academic success as well as social and emotional development with their peers and teachers, life skills and community engagement.

Consistent with the State Board of Education Policy #17-01, this waiver is necessary “in order to minimize disruption to students and the educational program” as iLEAD Hybrid works on a transition plan for this learning studio. This learning studio’s location was in response to the demands of families who wanted access to iLEAD’s high-quality, project-based, and personalized independent study and homeschool options, but had nowhere else to go for resources to support the educational choice they’ve made for their child. If iLEAD Hybrid is forced to close this resource center without a reasonable transition time, it would significantly disrupt students’ educational progress.

If the waiver request is granted, it would prevent significant harm to iLEAD Hybrid students and families and would provide the charter school the necessary time to come into compliance with the Shasta decision.

If this resource center and the other resource center within Antelope Valley Union High School District close, students will have to travel a significant distance to access the closest resource center. Compounding this problem, iLEAD Hybrid’s other resource centers do not have the capacity to serve all of these displaced students. Closing this resource center in the middle of the school year will likely force many students to disenroll, massively disrupting their education.

4. iLEAD NOHO
A. Name of Resource Center: iLEAD NOHO.
B. Address: 14701 Friar Street Van Nuys, CA 91411.
C. School District: This resource center is located in the Los Angeles Unified School District.
D. Date of Establishment: July 1, 2015.
E. Number of Students: 328.

Need for the Waiver: This waiver is necessary to ensure the continued success of 328 iLEAD Hybrid students in grades 9-12 who rely on this learning studio for instructional support and
resources like computer labs, technology, special education services, unique learning modules, and field study opportunities, to complete their independent study or home school program. iLEAD Hybrid provides a unique project-based, multi-age learning model to these 328 students, and uses individual learning plans to personalize goals and instruction for each child so that learning is interest-driven, peer-supported, and focused on powerful outcomes. This learning studio supports iLEAD Hybrid students’ academic success as well as social and emotional development with their peers and teachers, life skills and community engagement. Consistent with the State Board of Education Policy #17-01, this waiver is necessary “in order to minimize disruption to students and the educational program” as iLEAD Hybrid works on a transition plan for this learning studio. This learning studio’s location was in response to the demands of families who wanted access to iLEAD’s high-quality, project-based, and personalized independent study and homeschool options, but had nowhere else to go for resources to support the educational choice they’ve made for their child. If iLEAD Hybrid is forced to close this resource center without a reasonable transition time, it would significantly disrupt students’ educational progress. This resource center was previously used by another nonclassroom-based charter school that closed in June 30, 2015. If iLEAD Hybrid did not keep this resource center open, families whose students were not successful in traditional district schools, or who chose independent study for other reasons, would have had nowhere nearby to go. iLEAD Hybrid kept the resource center open and enrolled those students who would have fallen through the cracks, ensuring those students and others have had opportunities to pursue their chosen independent study or home school program. If the waiver request is granted, it would prevent significant harm to iLEAD Hybrid students and families and would provide the charter school the necessary time to come into compliance with the Shasta decision. If this resource center and the other resource centers within LAUSD close, students will have to travel over an hour to access the closest resource center. Compounding this problem, iLEAD Hybrid’s other resource centers do not have the capacity to serve all of these displaced students. Closing this resource center in the middle of the school year will likely force many students to disenroll, massively disrupting their education.

5. iLEAD Pacoima
A. Name of Resource Center: iLEAD Pacoima.
B. Address: 11251 Glenoaks Blvd, Pacoima, CA 91331.
C. School District: This resource center is located in the Los Angeles Unified School District.
D. Date of Establishment: July 1, 2015.
E. Number of Students: 237.

Need for the Waiver: This waiver is necessary to ensure the continued success of 237 iLEAD Hybrid students in grades K-12 who rely on this learning studio for instructional support and resources, like computer labs, technology, special education services, unique learning modules, and field study opportunities, to complete their independent study or home school program. iLEAD Hybrid provides a unique project-based, multi-age learning model to these 237 students, and uses individual learning plans to personalize goals and instruction for each child so that learning is interest-driven, peer-supported, and focused on powerful outcomes. This learning studio supports iLEAD Hybrid students’ academic success as well as social and emotional development with their peers and teachers, life skills and community engagement. Consistent with the State Board of Education Policy #17-01, this waiver is necessary “in order to minimize disruption to students and the educational program” as iLEAD Hybrid works on a transition plan for this learning studio. This learning studio’s location was in response to the
demands of families who wanted access to iLEAD’s high-quality, project-based, and personalized independent study and homeschool options, but had nowhere else to go for resources to support the educational choice they’ve made for their child. This resource center is uniquely co-located with a Boys & Girls Club. iLEAD Hybrid students are able to take advantage of Boys & Girls Club activities at the same location during afterschool hours. If iLEAD Hybrid is forced to close this resource center without a reasonable transition time, it would significantly disrupt students’ educational progress.

If the waiver request is granted, it would prevent significant harm to iLEAD Hybrid students and families and would provide the charter school the necessary time to come into compliance with the Shasta decision.

If this resource center and the other resource centers within LAUSD close, students will have to travel a significant distance to access the closest resource center. Compounding this problem, iLEAD Hybrid’s other resource centers do not have the capacity to serve all of these displaced students. Closing this resource center in the middle of the school year will likely force many students to disenroll, massively disrupting their education.

6. iLEAD Hybrid - Innovation Studios Lancaster
A. Name of Resource Center: iLEAD Hybrid - Innovation Studios Lancaster.
B. Address: 254 East Avenue K4 Studio 8A, 8B, 8C, Lancaster, CA 93535.
C. School District: This resource center is located in the Antelope Valley Union High School District.
D. Date of Establishment: July 1, 2015.
E. Number of Students: 42.

Need for the Waiver: This waiver is necessary to ensure the continued success of 42 iLEAD Hybrid students in grades 9-12 who rely on this learning studio for instructional support and resources, like computer labs, technology, special education services, unique learning modules, and field study opportunities, to complete their independent study or home school program. iLEAD Hybrid provides a unique project-based, multi-age learning model to these 42 students, and uses individual learning plans to personalize goals and instruction for each child so that learning is interest-driven, peer-supported, and focused on powerful outcomes. This learning studio supports iLEAD Hybrid students’ academic success as well as social and emotional development with their peers and teachers, life skills and community engagement.

Consistent with the State Board of Education Policy #17-01, this waiver is necessary “in order to minimize disruption to students and the educational program” as iLEAD Hybrid works on a transition plan for this learning studio. This learning studio’s location was in response to the demands of families who wanted access to iLEAD’s high-quality, project-based, and personalized independent study and homeschool options, but had nowhere else to go for resources to support the educational choice they’ve made for their child. If iLEAD Hybrid is forced to close this resource center without a reasonable transition time, it would significantly disrupt students’ educational progress.

This resource center was previously used by another nonclassroom-based charter school that closed in June 30, 2015. If iLEAD Hybrid did not keep this resource center open, families whose students were not successful in traditional district schools, or who chose independent study for other reasons, would have had nowhere nearby to go. iLEAD Hybrid kept the resource center open and enrolled those students who would have fallen through the cracks, ensuring those students and others have had opportunities to pursue their chosen independent study or home school program.

If the waiver request is granted, it would prevent significant harm to iLEAD Hybrid students and families and would provide the charter school the necessary time to come into compliance with the Shasta decision.
If this resource center and the other resource center within Antelope Valley Union High School District close, students will have to travel over an hour to access the closest resource center. Compounding this problem, iLEAD Hybrid’s other resource centers do not have the capacity to serve all of these displaced students. Closing this resource center in the middle of the school year will likely force many students to disenroll, massively disrupting their education.

Student Population: 2008
City Type: Urban
Public Hearing Date: 2/23/2017
Public Hearing Advertised: AADUSD school sites, Website, AADUSD Community Bulletin Board
Local Board Approval Date: 3/9/2017
Community Council Reviewed By: iLead Board of Directors
Community Council Reviewed Date: 2/23/2017
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Ms. Amanda Fischer
Position: Director
E-mail: afischer@aadusd.k12.ca.us
Telephone: 661-269-0750
Fax:

Bargaining Unit Date: 02/07/2017
Name: Acton Agua Dulce CSEA
Representative: Guido Jaramillo
Title: President, AADUSD CSEA
Position: Neutral
Comments:

Bargaining Unit Date: 02/02/2017
Name: Acton-Agua Dulce Teacher Association
Representative: Melissa Trusel
Title: President, AATA
Position: Neutral
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 0410041 Waiver Number: 34-3-2017 Active Year: 2017

Date In: 3/30/2017 2:26:58 PM

Local Education Agency: Butte County Office of Education
Address: 1859 Bird St.
Oroville, CA 95965

Start: 3/29/2017 End: 7/1/2018

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Charter School Program
Ed Code Title: Geographic Limitations - Non-classroom Based
Ed Code Section: Portions of California Education Code sections 47605(a)(1), 47605(a)(4), 47605(a)(5), 47605.1(c) through (e)
Ed Code Authority: 33050

Ed Code or CCR to Waive: Statutory Provisions
EC Section 47605
(a)(1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. [A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition.] The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (c) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the
petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

(3) A petition shall include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having his or her child or ward attend the charter school, or in the case of a teacher’s signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(4) After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. The authority that granted its charter shall consider whether to approve those additional locations at an open, public meeting. If the additional locations are approved, they shall be a material revision to the charter school’s charter.

(5) A charter school that is unable to locate within the jurisdiction of the chartering school district may establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, and either of the following circumstances exists:

(A) The school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate.

(B) The site is needed for temporary use during a construction or expansion project.

(6) Commencing January 1, 2003, a petition to establish a charter school may not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 30 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the legislature that charter schools are and
should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A)(i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A” to “G” admissions criteria may be considered to meet college entrance requirements.

(B) The measureable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school
demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(D) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(E) The qualifications to be met by individuals to be employed by the charter school.

(F) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the charter school furnish it with a criminal record summary as described in Section 44237.

(G) The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

(H) Admission requirements, if applicable.

(I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

(J) The procedures by which pupils can be suspended or expelled.

(K) The manner by which staff members of the charter schools will be covered by the State Teachers’ Retirement System, the Public Employees’ Retirement System, or federal social security.

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school
district after employment at a charter school.

(N) The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.

(O) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(c)(1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school’s educational programs.

(d)(1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2)(A) A charter school shall admit all pupils who wish to attend the school.

(B) If the number of pupils who wish to attend the charter school exceeds the school’s capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.
(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil’s last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(e) The governing board of a school district shall not require an employee of the school district to be employed in a charter school.

(f) The governing board of a school district shall not require a pupil enrolled in the school district to attend a charter school.

(g) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects, if any, upon the school and upon the school district. The description of the facilities to be used by the charter school shall specify where the school intends to locate. The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation.

(h) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(i) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

(j)(1) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The county board of education shall review the petition pursuant to subdivision (b). If the petitioner elects to submit a petition for establishment of a charter school to the county board of education and the county board of education denies the petition, the petitioner may file a petition for establishment of a charter school with the state board, and the state board may approve the petition, in accordance with subdivision (b). A charter school that receives approval of its petition from a county board of education or from the state board on appeal shall be subject to the same
requirements concerning geographic location to which it would otherwise be subject if it received approval from the entity to which it originally submitted its petition. A charter petition that is submitted to either a county board of education or to the state board shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate.

(2) In assuming its role as a chartering agency, the state board shall develop criteria to be used for the review and approval of charter school petitions presented to the state board. The criteria shall address all elements required for charter approval, as identified in subdivision (b), and shall define “reasonably comprehensive” as used in paragraph (5) of subdivision (b) in a way that is consistent with the intent of this part. Upon satisfactory completion of the criteria, the state board shall adopt the criteria on or before June 30, 2001.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) If either the county board of education or the state board fails to act on a petition within 120 days of receipt, the decision of the governing board of the school district to deny a petition shall be subject to judicial review.

(5) The state board shall adopt regulations implementing this subdivision.

(6) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition to the department and the state board.

(k)(1) The state board may, by mutual agreement, designate its supervisory and oversight responsibilities for a charter school approved by the state board to any local educational agency in the county in which the charter school is located or to the governing board of the school district that first denied the petition.

(2) The designated local educational agency shall have all monitoring and supervising authority of a chartering agency, including, but not limited to, powers and duties set forth in Section 47607, except the power of revocation, which shall remain with the state board.

(3) A charter school that is granted its charter through an appeal to the state board and elects to seek renewal of its charter shall, before expiration of the charter, submit its petition for renewal to the governing board of the school district that initially denied the charter. If the governing board of the school district denies the charter school's petition for renewal, the school may petition the state board for renewal of its charter.

(l) Teachers in charter schools shall hold a Commission on Teacher Credentialing
certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.

(m) A charter school shall transmit a copy of its annual, independent financial audit report for the preceding fiscal year, as described in subparagraph (l) of paragraph (5) of subdivision (b), to its chartering entity, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering entity, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering entity pursuant to Section 41020.

EC Section 47605.1

[ (a)(1) Notwithstanding any other law, a charter school that is granted a charter from the governing board of a school district or county office of education after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, shall locate in accordance with the geographic and site limitations of this part. ]

[ (2) Notwithstanding any other law, a charter school that is granted a charter by the state board after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, based on the denial of a petition by the governing board of a school district or county board of education, as described in paragraphs (1) and (2) of subdivision (j) of Section 47605, may locate only within the geographic boundaries of the chartering entity that initially denied the petition for the charter. ]

[ (3) A charter school that receives approval of its charter from a governing board of a school district, a county office of education, or the state board before July 1, 2002, but does not commence operations until after January 1, 2003, shall be subject to the geographic limitations of this part, in accordance with subdivision (e). ]

(b) This section is not intended to affect the admission requirements contained in subdivision (d) of Section 47605.

(c) Notwithstanding any other law, a charter school may establish a resource center, meeting space, or other satellite facility [ located in a county adjacent to that in which the charter school is authorized ] if the following conditions are met:

(1) The facility is used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study of the charter school.

(2) The charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the charter school is authorized.
(d) Notwithstanding subdivision (a) or subdivision (a) of Section 47605, a charter school that is unable to locate within the geographic boundaries of the chartering school district may establish one site outside the boundaries of the school district, but within the county within which that school district is located, if the school district in which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations, and either of the following circumstances exist:

(1) The charter school has attempted to locate a single site or facility to house the entire program, but such a facility or site is unavailable in the area in which the charter school chooses to locate.

(2) The site is needed for temporary use during a construction or expansion project.

(e)(1) For a charter school that was granted approval of its charter before July 1, 2002, and provided educational services to pupils before July 1, 2002, this section only applies to new educational services or schoolsites established or acquired by the charter school on or after July 1, 2002.

(2) For a charter school that was granted approval of its charter before July 1, 2002, but did not provide educational services to pupils before July 1, 2002, this section only applies upon the expiration of a charter that is in existence on January 1, 2003.

(3) Notwithstanding other implementation timelines in this section, by June 30, 2005, or upon the expiration of a charter that is in existence on January 1, 2003, whichever is later, all charter schools shall be required to comply with this section for schoolsites at which educational services are provided to pupils before or after July 1, 2002, regardless of whether the charter school initially received approval of its charter school petition before July 1, 2002. To achieve compliance with this section, a charter school shall be required to receive approval of a charter petition in accordance with this section and Section 47605.

(4) This section is not intended to affect the authority of a governmental entity to revoke a charter that is granted on or before the effective date of this section.

(f) A charter school that submits its petition directly to a county board of education, as authorized by Section 47605.5 or 47605.6, may establish charter school operations only within the geographical boundaries of the county in which that county board of education has jurisdiction.

(g) Notwithstanding any other law, the jurisdictional limitations set forth in this section do not apply to a charter school that provides instruction exclusively in partnership with any of the following:
(1) The federal Workforce Innovation and Opportunity Act (29 U.S.C. Sec. 3101 et seq.).

(2) Federally affiliated Youth Build programs.

(3) Federal job corps training or instruction provided pursuant to a memorandum of understanding with the federal provider.

(4) The California Conservation Corps or local conservation corps certified by the California Conservation Corps pursuant to Sections 14507.5 or 14406 of the Public Resources code.

(5) Instruction provided to juvenile court school pupils pursuant to subdivision (b) of Section 42238.18 or pursuant to Section 1981 for individuals who are placed in a residential facility.

Outcome Rationale: CORE Butte Charter School is located in a rural community in Northern California and currently serves 810 students of diverse backgrounds. Approximately 42% of our population is socio-economically disadvantaged. CORE Butte has a special education population of 13%, approximately 1% higher than its local district, Chico Unified School District. 6% of CORE Butte’s population has been identified as Gifted and Talented. CORE Butte has approximately 5% of its student body that are considered foster, homeless, or temporarily doubled up. The Unduplicated Pupil Population at CORE Butte, for purposes of the LCFF is approximately 42%.

Rationale for Waiver Request:

Butte County Office of Education (BCOE) has authorized CORE Butte Charter School since its inception in 2007. Previous to that, CORE Butte was part of CORE at the Camptonville Academy (CORE@TCA) since its inception in 1998. In 2007, in order to continue operation of a resource center in Butte County, which is necessary to provide quality academic, intervention, and special education services, CORE Butte decided to petition for a charter within Butte County.

CORE Butte originally attempted to charter with Chico Unified School District, as this is the district in which a majority of our students resided. CORE was denied at Chico Unified and the charter was then submitted to Golden Feather. Golden Feather also denied CORE Butte so the charter was then submitted to BCOE on appeal and approved on April 9, 2007. The charter petition described two resource centers, one in Chico and one in Paradise. CORE Butte has been chartered with BCOE since 2007. In 2012-13 a material revision was made to the charter adding in a third resource center, located in Chico to house our TK-8 program.

CORE Butte is a nonclassroom-based / independent study charter school program
offering personalized learning education programs for grades TK-12.

Out of District Facilities:
On October 17, 2016, a decision was made by the appellate court in the case of Anderson Union High School District v. Shasta Secondary Homeschool which interpreted California Education Code sections 47605 and 47605.1 related to geographical limitations on where a charter school may operation a resource center.

Though CORE Butte has two resource centers in Chico and one in Paradise, all centers are within the BCOE boundaries. However, due to the interpretation of the law, it is important to note that three are within the Chico Unified School District boundaries and one is within the Paradise Unified School District Boundary. All centers are potentially affected by this ruling. This waiver is necessary in order to protect the operation of CORE Butte’s existing resource centers. In order to ensure that necessary services, including Special Education services, title one services, RTI and state mandated testing continue, it is necessary for all centers to remain open.

Students/Employees Affected:
The ruling in the AUHSD v. Shasta Secondary Homeschool impacts approximately 810 students in grades TK-12. Of those students, 42% qualify for free or reduced lunch, and 13% are Special Education students. In CORE Butte’s program, students benefit from one of CORE Butte’s resource centers by participating in social/emotional/ and academic intervention, 1-1 tutoring, special education services, county services, small group classes, a-g wet labs for science, clubs, trainings, workshops assemblies, social events, Career Technical Education pathways and capstone courses, ROP and many other usages.

This ruling will also affect 79 staff members at CORE Butte who utilize at least one of the resource centers to deliver instruction, meet with students, monitor student progress, tutor, assess, and to collaborate with other staff, students, and families.

Financial Impact:
As a non-classroom based charter school, CORE Butte does not receive prop 39 funds to offset facility costs. The charter is required to directly fund any projects, lease costs, and adjustments to the facility.

The impact of AUHSD v. Shasta Secondary Homeschool case ruling could potentially result in CORE Butte having to close all three resource centers, thus greatly affecting the integrity of our academic program. All resource centers are used to provide free and appropriate public education (FAPE) to students who qualify under the Individuals with Disabilities in Education Act (IDEA), academic support, title one support, emotional support, state mandated testing, small support classes and other support services. The result of this case may cause CORE Butte to no longer be able to provide these services, thus possibly forcing closure of the school. CORE Butte needs the additional time to come into compliance with the Shasta Ruling to apply for Countywide benefit

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status with Butte COE. In the event Butte COE’s Board of Education does not approve
the petition (and we do not anticipate this will be the case), CORE will need the
remainder of the time on the waiver to consolidate their sites into one location with as
little impact to existing students and families as possible.

Resource Center Locations:

HIGH SCHOOL RESOURCE CENTER
Address: 260 Cohasset, Suite 120, Chico, CA
Established: 07-01-2007, Listed and approved by BCOE in original charter petition,
June 2017
Location: Within Chico Unified School District boundaries
Students Served: 365 students grades 9-12
Rationale: The Cohasset Center currently houses the 9-12 grade student population
from Chico and the surrounding areas. The Cohasset center houses our “college model”
high school program that serves 300 of our high school students several days a week.
High school students come to the center to receive academic, and social/emotional
support to enrich their academic program, along with FAPE, as appropriate. The
Cohasset Center supports students with graduation requirements, a-g compliance, a-g
wet labs for science, CTE completion, and access to scholarships and college courses.
Other supports housed at the Cohasset Center include a High School Director,
Academic Counselor, Librarian, Special Programs Director, and 20 Personalized
Learning Teachers. The resource center acts as a hub to build community within our
school, offer supports, a location for students to meet with highly qualified teachers, as
a location to offer state mandated testing, and as a location to house resources,
curriculum, technology, and assessments.

TK-8 RESOURCE CENTER
Address: 1600 Humboldt, Chico, CA
Established: Material revision establishing the center was presented to and
unanimously approved by the BCOE board on 05-13-2013.
Location: Within the Chico Unified School District Boundaries
Students Served: 377 students grades TK-8
Rationale: The Humboldt Center currently houses the TK-8 student population from
Chico and the surrounding areas. The center houses CORE’s enrichment and support
classes for the TK-8 students enrolled. All students in this program are taught primarily
at home with guardian as primary educator, but many attend the center weekly for
social/emotional support, enrichment classes with peers, tutoring and support from
credentialed teachers, local and state mandated assessments, community events, and
FAPE. A school psychologist is housed at this center along with three RSP teachers
and two title one staff members. The school director along with 24 personalized learning
teachers utilize this space to meet regularly with students, support and guide
homeschooling families, assess and monitor student progress, participate in state
mandated testing, access state adopted curriculum, engage in regular meetings and
professional learning communities.

PARADISE RESOURCE CENTER  
Address: 5665 Scottwood Rd, Paradise, CA  
Established: 07-01-2007, Listed and approved by BCOE in original charter petition, June 2017  
Location: Within the Paradise Unified School District boundaries  
Students Served: 70 students  
Rationale: Paradise is the hub center for TK-12 students who live in both Paradise and Magalia. Paradise has a high SES population and it’s a financial hardship for many families to get to Chico for support services. The Paradise Center is home to a full time RSP teacher and three Personalized Learning Teachers who all offer academic, social and emotional support for students and families. High School classes are offered to support our non-classroom based students with a-g compliance and graduation requirements, including wet labs for science. TK-8 enrichment classes are provided to support social and emotional development of our students and offer academic support. State mandated assessments are offered at this center along with FAPE. Several enrichment and socialization opportunities are offered to students who attend the Paradise Center.

TK-12 CHICO RESOURCE CENTER  
Address: 2801 Notre Dame Blvd, Chico, CA 95928  
Established: 08-01-16, negotiations began Fall 2016 to expand offerings. Discussions are ongoing with BCOE regarding potential expansion of resource centers for CORE Butte.  
Location: Within the Chico Unified School District Boundaries  
Students Served: 742  
Rationale: CORE Butte has been utilizing this location for electives and athletics since August 1, 2016 and has utilized it for the last three years for graduation ceremonies. It has always been CORE Butte’s desire to have only one resource center within Chico. For the past four years, CORE Butte has attempted to find a location that would house our entire Chico population and we have potentially found it. When this center is ready, we will transition the Humboldt and Cohasset Resource Centers transferring all staff and students to this larger facility. This will allow our entire Chico population to reside in one location and enable us to work more closely as a TK-12 community. The single resource center will act as a TK-12 hub to build community within our school, offer student and family supports, a location for students to meet with highly qualified teachers, a location to offer state mandated testing, and as a location to house resources, curriculum, technology, and assessments.

Student Population: 810
City Type: Rural

Public Hearing Date: 3/13/2017
Public Hearing Advertised: Oroville: Butte COE; Chico: Community Employment Center, public library, DMV; Paradise: US Post Office, DMV

Local Board Approval Date: 3/13/2017

Community Council Reviewed By: CORE Butte Charter School Charter Advisory Committee (site council) and Board of Director Meeting
Community Council Reviewed Date: 2/24/2017
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Barbara Mandelbaum
Position: Student Programs Administrator
E-mail: bmandelbaum@bcoe.org

Telephone: 530-532-5916
Fax: 530-532-5794

Bargaining Unit Date: 03/02/2017
Name: Butte County Teacher's Association
Representative: Rachel Frank
Title: BCTA President
Position: Neutral
Comments:
Nonclassroom-Based Charter School Resource Center Location

WAIVER SUBMISSION - General

CD Code: 1875036       Waiver Number: 15-3-2017       Active Year: 2017

Date In: 3/16/2017 12:29:14 PM

Local Education Agency: Fort Sage Unified School District
Address: 100 DS Hall St.
Herlong, CA 96113

Start: 1/18/2017       End: 6/30/2018

Waiver Renewal: N
Previous Waiver Number:          Previous SBE Approval Date:

Waiver Topic: Charter School Program
Ed Code Title: Geographic Limitations - Non-classroom Based
Ed Code Section: Education Code, sections 47605 and 47605.1
Ed Code Authority: 33050

Ed Code or CCR to Waive: EC Section 47605
(a)(1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. [A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition.] The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (c) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.
(3) A petition shall include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having his or her child or ward attend the charter school, or in the case of a teacher’s signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

[(4) After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. The authority that granted its charter shall consider whether to approve those additional locations at an open, public meeting. If the additional locations are approved, they shall be a material revision to the charter school’s charter.

(5) A charter school that is unable to locate within the jurisdiction of the chartering school district may establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, and either of the following circumstances exists:

(A) The school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate.

(B) The site is needed for temporary use during a construction or expansion project.]

(6) Commencing January 1, 2003, a petition to establish a charter school may not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 30 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The governing board of the
school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A)(i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A” to “G” admissions criteria may be considered to meet college entrance requirements.

(B) The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program. Pupil outcomes shall include outcomes that
address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(D) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(E) The qualifications to be met by individuals to be employed by the charter school.

(F) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the charter school furnish it with a criminal record summary as described in Section 44237.

(G) The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

(H) Admission requirements, if applicable.

(I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

(J) The procedures by which pupils can be suspended or expelled.

(K) The manner by which staff members of the charter schools will be covered by the State Teachers’ Retirement System, the Public Employees’ Retirement System, or federal social security.

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.
(N) The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.

(O) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(c)(1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school’s educational programs.

(d)(1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2)(A) A charter school shall admit all pupils who wish to attend the school.

(B) If the number of pupils who wish to attend the charter school exceeds the school’s capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing
the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil’s last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(e) The governing board of a school district shall not require an employee of the school district to be employed in a charter school.

(f) The governing board of a school district shall not require a pupil enrolled in the school district to attend a charter school.

(g) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects, if any, upon the school and upon the school district. The description of the facilities to be used by the charter school shall specify where the school intends to locate. The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation.

(h) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(i) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

(j)(1) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The county board of education shall review the petition pursuant to subdivision (b). If the petitioner elects to submit a petition for establishment of a charter school to the county board of education and the county board of education denies the petition, the petitioner may file a petition for establishment of a charter school with the state board, and the state board may approve the petition, in accordance with subdivision (b). A charter school that receives approval of its petition from a county board of education or from the state board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the entity to which it originally submitted its petition. A charter
petition that is submitted to either a county board of education or to the state board shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate.

(2) In assuming its role as a chartering agency, the state board shall develop criteria to be used for the review and approval of charter school petitions presented to the state board. The criteria shall address all elements required for charter approval, as identified in subdivision (b), and shall define “reasonably comprehensive” as used in paragraph (5) of subdivision (b) in a way that is consistent with the intent of this part. Upon satisfactory completion of the criteria, the state board shall adopt the criteria on or before June 30, 2001.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) If either the county board of education or the state board fails to act on a petition within 120 days of receipt, the decision of the governing board of the school district to deny a petition shall be subject to judicial review.

(5) The state board shall adopt regulations implementing this subdivision.

(6) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition to the department and the state board.

(k)(1) The state board may, by mutual agreement, designate its supervisory and oversight responsibilities for a charter school approved by the state board to any local educational agency in the county in which the charter school is located or to the governing board of the school district that first denied the petition.

(2) The designated local educational agency shall have all monitoring and supervising authority of a chartering agency, including, but not limited to, powers and duties set forth in Section 47607, except the power of revocation, which shall remain with the state board.

(3) A charter school that is granted its charter through an appeal to the state board and elects to seek renewal of its charter shall, before expiration of the charter, submit its petition for renewal to the governing board of the school district that initially denied the charter. If the governing board of the school district denies the charter school’s petition for renewal, the school may petition the state board for renewal of its charter.

(l) Teachers in charter schools shall hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the
charter school and are subject to periodic inspection by the chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.

(m) A charter school shall transmit a copy of its annual, independent financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (b), to its chartering entity, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering entity, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering entity pursuant to Section 41020.

EC Section 47605.1

[(a)(1) Notwithstanding any other law, a charter school that is granted a charter from the governing board of a school district or county office of education after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, shall locate in accordance with the geographic and site limitations of this part.

(2) Notwithstanding any other law, a charter school that is granted a charter by the state board after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, based on the denial of a petition by the governing board of a school district or county board of education, as described in paragraphs (1) and (2) of subdivision (j) of Section 47605, may locate only within the geographic boundaries of the chartering entity that initially denied the petition for the charter.

(3) A charter school that receives approval of its charter from a governing board of a school district, a county office of education, or the state board before July 1, 2002, but does not commence operations until after January 1, 2003, shall be subject to the geographic limitations of this part, in accordance with subdivision (e).]

(b) This section is not intended to affect the admission requirements contained in subdivision (d) of Section 47605.

(c) Notwithstanding any other law, a charter school may establish a resource center, meeting space, or other satellite facility [located in a county adjacent to that in which the charter school is authorized] if the following conditions are met:

(1) The facility is used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study of the charter school.

(2) The charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the charter school is authorized.

[(d) Notwithstanding subdivision (a) or subdivision (a) of Section 47605, a charter school
that is unable to locate within the geographic boundaries of the chartering school district may establish one site outside the boundaries of the school district, but within the county within which that school district is located, if the school district in which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations, and either of the following circumstances exist:

(1) The charter school has attempted to locate a single site or facility to house the entire program, but such a facility or site is unavailable in the area in which the charter school chooses to locate.
(2) The site is needed for temporary use during a construction or expansion project.

(e)(1) For a charter school that was granted approval of its charter before July 1, 2002, and provided educational services to pupils before July 1, 2002, this section only applies to new educational services or schoolsites established or acquired by the charter school on or after July 1, 2002.

(2) For a charter school that was granted approval of its charter before July 1, 2002, but did not provide educational services to pupils before July 1, 2002, this section only applies upon the expiration of a charter that is in existence on January 1, 2003.

(3) Notwithstanding other implementation timelines in this section, by June 30, 2005, or upon the expiration of a charter that is in existence on January 1, 2003, whichever is later, all charter schools shall be required to comply with this section for schoolsites at which educational services are provided to pupils before or after July 1, 2002, regardless of whether the charter school initially received approval of its charter school petition before July 1, 2002. To achieve compliance with this section, a charter school shall be required to receive approval of a charter petition in accordance with this section and Section 47605.

(4) This section is not intended to affect the authority of a governmental entity to revoke a charter that is granted on or before the effective date of this section.

(f) A charter school that submits its petition directly to a county board of education, as authorized by Section 47605.5 or 47605.6, may establish charter school operations only within the geographical boundaries of the county in which that county board of education has jurisdiction.

(g) Notwithstanding any other law, the jurisdictional limitations set forth in this section do not apply to a charter school that provides instruction exclusively in partnership with any of the following:

(1) The federal Workforce Innovation and Opportunity Act (29 U.S.C. Sec. 3101 et seq.).
(2) Federally affiliated Youth Build programs.

(3) Federal job corps training or instruction provided pursuant to a memorandum of understanding with the federal provider.

(4) The California Conservation Corps or local conservation corps certified by the California Conservation Corps pursuant to Sections 14507.5 or 14406 of the Public Resources code.

(5) Instruction provided to juvenile court school pupils pursuant to subdivision (b) of Section 42238.18 or pursuant to Section 1981 for individuals who are placed in a residential facility.

Outcome Rationale: See attached Need for Waiver Request

Student Population: 232

City Type: Rural

Public Hearing Date: 3/15/2017
Public Hearing Advertised: As a small and rural school district, we posted a formal notice of the public hearing at each school in the district and in numerous public places within the district (e.g., post offices).

Local Board Approval Date: 3/15/2017

Community Council Reviewed By: Charter School stakeholders reviewed this waiver.
Community Council Reviewed Date: 3/15/2017
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Michael Altenburg
Position: Superintendent, Fort Sage Unified School District
E-mail: maltenburg@fortsage.org

Telephone: 503-260-8093
Fax: 530-827-3239
Bargaining Unit Date: 03/14/2017
Name: California School Employees Association
Representative: Michelle Beckett
Title: President, CSEA
Position: Support
Comments:

Bargaining Unit Date: 03/10/2017
Name: California State Teachers
Representative: Kim Dieter
Title: President
Position: Support
Comments:
Need For Mt. Lassen Charter School Waiver Request

Fort Sage Unified School District (“District”) seeks a waiver from the State Board of Education pursuant to Education Code section 33050 on behalf of Mt. Lassen Charter School (“MLCS”), which authorizes it to waive “all or part of any section of [the Education Code]” and pursuant to California State Board of Education Policy #17-01 adopted on March 9, 2017.

Since 2010, MLCS has operated a nonclassroom-based charter school that currently serves 122 students in grades TK-12. MLCS is a dependent charter school operated by the District. MLCS serves students who have chosen to home-school, which is common in our rural area, and students who for other reasons need a customized educational program, like special education students, at-risk students and academically advanced students. For example, MLCS currently has 54 high school students and 35 of these have never attended the local district high school. They are students who would otherwise likely be entirely home-schooled, or fall through the cracks. MLCS provides all of these students key resources: access to materials and resources for parents that are aligned with State standards; access to A-G course offerings; access to web-based and traditional textbooks; access to computers; one-on-one and group tutoring; direct instruction and re-teaching as necessary; access to coursework through Lassen Community College; access to CTE and academic coursework; guidance counselors who help students fill out financial aid applications, take college placement tests and pre-register for college classes; access to weekly music, dance and tumbling classes led by local fine arts vendors; access to Lassen County Office of Education Events like the Spelling Bee, Geography Bowl, 7th Grade Career Fair, 4th Grade California History Day, 8th Grade College Week, 5th Grade Day in the Desert, 3rd Grade Lassen County History Day, and Literacy Jam; enrichment activities like monthly science, technology, engineering, art and math field trips, with a special emphasis on expanded learning opportunities for academically low-achieving students and academically high-achieving students.

MLCS meets a great need for families in Lassen County who asked for an academically-successful, WASC- accredited alternative to the traditional classroom. Notably, MLCS serves a
high percentage of academically at-risk students (34% of our population), and is making significant progress with its at-risk students as evidenced by the statistics available on the CDE Accountability Dashboards. For example, of the total 19 high school students who came to MLCS from the Lassen Union High School District, 15 are academically at-risk.

MLCS has two resource centers, and one is in-County but out-of-District. Our home resource center is located at 100 David South Hall Street, Herlong, CA 96113, which is inside District boundaries and would not be impacted by this waiver.

The other resource center is located at 450 Cedar St., Susanville, CA 96130, which is inside Lassen County but outside District boundaries. The Susanville resource center is in the boundaries of Lassen Union High School District (9-12) and Susanville School District (K-8). MLCS has always operated its resource center in Susanville, with Lassen Union High School District’s knowledge as memorialized in board meeting minutes, and has operated openly and continuously at the current address since December 15, 2012. Susanville School District has not objected to MLCS operating here. The Susanville resource center serves approximately 122 students.

In October 2016, an appellate court ruled for the first time that charter locations outside the geographic boundaries of the authorizing school district violate the Charter Schools Act unless certain exceptions apply (“Shasta”). The Shasta decision impacts MLCS’s Susanville resource center. A waiver will allow MLCS time to work on a long-term, legal solution to Shasta. Per California State Board of Education Policy #17-01, if a waiver is granted, the District will: (1) provide a copy of its transition plan to Lassen Union High School District and Susanville School District; and (2) provide updates to families about this issue.

If MLCS is forced to immediately close its Susanville resource center, the intense one-on-one support provided to students would be eroded by lack of access. The majority of the students we serve are spread at least 45 miles away from our in-District resource center. We serve a population in a rural part of the State that would be tangibly harmed, and would not have viable alternatives, if MLCS’s Susanville resource center closed.
Ed Code Section 47605.1

(d) [Notwithstanding subdivision (a) or subdivision (a) of Section 47605, a charter school that is unable to locate within the geographic boundaries of the chartering school district may establish one site outside the boundaries of the school district, but within the county within which that school district is located, if the school district in which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations, and either of the following circumstances exist:

(1) The school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area in which the school chooses to locate. (2) The site is needed for temporary use during a construction or expansion project.]

Outcome Rationale: Sky Mountain Charter School is an academically successful
independent study charter school serving the diverse needs of students in an alternative education setting in San Bernardino County and adjacent counties. Our students test scores ranked in deciles 4 to 10, inclusive, on the APR in tow of the last three years as required under Education Code section 47607(b) for charter renewal. We have had clean audits since our inception. Our charter was first approved in September 2007 and we have been successfully serving students for 10 years. In order to continue serving our students, we are requesting a waiver from the recently redefined geographic limitations on in-county resource center locations. Our current resource center primarily operates as a curriculum library where families come to access previously used curriculum that they may then check out and use throughout the school year. The resource center also serves as an administrative office and meeting space for our staff meetings, and hosts one class for our students. Immediate closure of the library would cause academic harm and disruption to students being served; employment hardship for the staff; and impact ability to meet financial obligations and lease agreements.

The Lucerne Valley Unified School District has provided supervisory oversight and performance monitoring services for the Charter School, including monitoring school and student performance data, reviewing audit reports, performing visits to our Redlands resource center, and considering charter renewal requests. LVUSD affirms that at all times the Charter School has operated its resource center consistent with the advice and written guidance issued by the CDE since 2002. On October 16, 2016, the 3rd District Court of Appeals ruled in Anderson Union High School District v. Shasta Secondary Home School that independent study charter schools may not have resource centers outside of the boundaries of the school district in which the charter school is authorized, but within the same county. Currently, the Charter School has one resource center (established 2013) located at 1423 West State Street, Redlands, CA within San Bernardino County that is affected by the ruling. This resource center is within the geographical boundaries of Redlands Unified School District serves 252 students. This waiver is necessary to allow the continued operation of the Sky Mountain Resource Center which provides parents access to a curriculum library and business office.

Student Population: 1948

City Type: Urban

Public Hearing Date: 5/22/2017
Public Hearing Advertised: District website and three physical locations

Local Board Approval Date: 5/22/2017

Community Council Reviewed By: Sky Mountain Charter School Parent Council
Community Council Reviewed Date: 5/22/2017
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Peter Livingston
Position: Superintendent
E-mail: peter_livingston@lucernevalleynsd.org

Telephone: 760-248-6108 x4131
Fax:

Bargaining Unit Date: May 24, 2017
Name: Lucerne Valley Teacher’s Association
Representative: Cindy Lazenby
Title: Current Vice President, Incoming President (7/1/17)
Position: Supports the waiver
Comments: Sky Mountain has been a positive partner for the district supporting the needs of their students.
PIVOT CHARTER SCHOOL NORTH BAY

California Department of Education
WAIVER SUBMISSION - General

Local Education Agency: Oak Grove Union School District
Address:
5299 Hall Road
Santa Rosa, CA 95401

Start: July 13, 2017 End: June 30, 2018

Waiver Renewal: N

Waiver Topic: Geographic Restrictions on Resource Center Locations for Nonclassroom-Based Charter Schools
Ed Code Title: Charter School Locations
Ed Code Section: Portions of EC Sections 47605(a)(1) and 47605.1
Ed Code Authority: 33050

Ed Code or CCR to Waive: Portions of California Education Code Sections 47605(a)(1) and 47605.1 as follows:

Education Code section 47605:

(a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school [within a school district] may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school [that will operate within the geographic boundaries of that school district]. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition.

…. 

[(4) After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. The authority that granted its charter shall consider whether to approve those additional locations at an open, public meeting. If the additional locations are approved, they shall be a material revision to the charter school’s charter.]

[(5) A charter school that is unable to locate within the jurisdiction of the chartering school district may establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district within the]
jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, and either of the following circumstances exists:

(A) The school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate.

(B) The site is needed for temporary use during a construction or expansion project.

Education Code Section 47605.1:

[(a)(1) Notwithstanding any other law, a charter school that is granted a charter from the governing board of a school district or county office of education after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, shall locate in accordance with the geographic and site limitations of this part.

(2) Notwithstanding any other law, a charter school that is granted a charter by the state board after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, based on the denial of a petition by the governing board of a school district or county board of education, as described in paragraphs (1) and (2) of subdivision (j) of Section 47605, may locate only within the geographic boundaries of the chartering entity that initially denied the petition for the charter.

(3) A charter school that receives approval of its charter from a governing board of a school district, a county office of education, or the state board before July 1, 2002, but does not commence operations until after January 1, 2003, shall be subject to the geographic limitations of this part, in accordance with subdivision (e).

….]

(c) Notwithstanding any other law, a charter school may establish a resource center, meeting space, or other satellite facility [located in a county adjacent to that in which the charter school is authorized] if the following conditions are met:

(1) The facility is used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study of the charter school.

(2) The charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the charter school is authorized.

[(d) Notwithstanding subdivision (a) or subdivision (a) of Section 47605, a charter school that is unable to locate within the geographic boundaries of the chartering school district may establish one site outside the boundaries of the school district, but within the county within which that school district is located, if the school district in which the
The charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations, and either of the following circumstances exist:

(1) The charter school has attempted to locate a single site or facility to house the entire program, but such a facility or site is unavailable in the area in which the charter school chooses to locate.

(2) The site is needed for temporary use during a construction or expansion project.

(e)(1) For a charter school that was granted approval of its charter before July 1, 2002, and provided educational services to pupils before July 1, 2002, this section only applies to new educational services or schoolsites established or acquired by the charter school on or after July 1, 2002.

(2) For a charter school that was granted approval of its charter before July 1, 2002, but did not provide educational services to pupils before July 1, 2002, this section only applies upon the expiration of a charter that is in existence on January 1, 2003.

(3) Notwithstanding other implementation timelines in this section, by June 30, 2005, or upon the expiration of a charter that is in existence on January 1, 2003, whichever is later, all charter schools shall be required to comply with this section for schoolsites at which educational services are provided to pupils before or after July 1, 2002, regardless of whether the charter school initially received approval of its charter school petition before July 1, 2002. To achieve compliance with this section, a charter school shall be required to receive approval of a charter petition in accordance with this section and Section 47605.

Outcome Rational:

Pivot Charter School North Bay has been authorized by the Oak Grove Union School District (“District”) since 2010. Pivot charter School is a non-classroom based/independent study charter school program offering personalized learning education programs for grades TK-12. Pivot Charter School North Bay has been in current resource center since August 2013. It serves roughly 420 students of which roughly 300 attend on a weekly basis. The Resource center is located at 2999 Cleveland Ave, Santa Rosa. It is situated in the Santa Rosa City School District. The school has a strong relationships with the nearby schools.

The Oak Grove Union School District has provided supervisiorial oversight and performance monitoring services for the Charter School, including monitoring school and student performance data, reviewing the school’s audit reports, performing annual visits to the school facilities and resource centers, and considering charter amendment and renewal requests. The Oak Grove Union School District affirms that at all times the Charter School has operated its resource centers consistent with the advice and written guidance issued by the California Department of Education since 2002 (see
Pivot Program Generally
When Pivot Charter Schools were formed, the intent was not to try to recreate the already established wheel of education and try to do it better than others. It was not to the intent to use an online curriculum so Pivot could have thousands of students who did not have to come to a brick and mortar school. The intent of Pivot was to do things differently for students who wanted and needed “different”. The Pivot Charter Schools use an online curriculum as the primary, yet not sole, method of instructional delivery so that our exceptional credentialed teachers can spend their time doing what they do best; helping students learn and understand what they are learning. Students are able to move at a pace commensurate with their developmental abilities or based on their graduation plans. And throughout their academic efforts they constantly receive feedback, kind motivation, ideas and instruction. Teachers encourage students to delve deeper into their content through projects and hands on experiences. They tutor small groups to ensure that they are making successful progress in all their courses. They work with the entire family, supporting not only their academic but also their social-emotional lives. They “meet students where they are at” to inspire their individual and collective potential. Students are surrounded by genuine caring, motivation and accountability.

Students can either come to the resource center for activities, to work on their academics, to engage in projects or get tutoring five days a week for three hours a day. Or they can come two afternoons a week. Or they can come one day a week. And those students who are independent and only need the support of their assigned credentialed teacher once in a while, can work virtually or come to the resource center as needed or receive assistance via video conferencing. Whether a student chooses to attend programs offered at the resource centers five days a week or two days a week or work from wherever their lives take them, they engage in a rigorous online curriculum which we feel is balanced by the program supplemented at the resource centers with Fun Fridays, field trips, project based activities, clubs, and social activities like barbecues and camping trips.

Pivot Charter Schools continue to add elective and Career Technical courses and expand programmatic offerings such as Collaborations, Genius Hours, and even a prom. It is amazing to fathom how many students Pivot Charter Schools has helped succeed and reach their goals whether that was to return to a traditional school setting, head to a four or two year college, enter the workforce, or participate in an accountable and engaging home school blended program for grades Tk-5.

Need: Pivot Charter School North Bay is working closely with the Santa Rosa City School District and is planning on submitting a charter petition for authorization by October 2017. Authorization by the local District (or on appeal to the County) is the key element to Pivot North Bay’s transition plan. Pivot North Bay has very strong relationships with the local schools and the District and is confident a new charter will be
established that is Shasta-Anderson compliant. The school needs the time allowed by the one year waiver in order to continue to develop these relationships and to produce a petition aligned to the local District's needs and goals for the community.

Immediate Harm: If the waiver is not granted, the school will close its doors and 75 special education students, 11 foster students, 460 projected total enrolled students (17-18) will be without their school of choice. The blended learning program's key component is the program at the resource center that most students attend five days a week where they receive counseling, special education services (we are an LEA member of the El Dorado SELPA) engage in hands on learning, attend direct instruction with credentialed teachers and which serves as a safe environment for students who do not have many safe places to go. Pivot North Bay works closely with the Sonoma County Office of Education Homeless and Foster Student Liaison and has served as the school of choice for a girl’s foster home in Santa Rosa. These students have not found success anywhere else in the District. Additionally, the Santa Rosa City School District and local probation officers recognize the service that Pivot provides to at-risk and underserved students in the community especially with the recent closing of another local school of choice last month on which community organizations and the District relied to serve these students.

Additionally, Pivot is only in the second year of its fiveyear lease for the 8,500 sf space and significant financial harm will come to the school if this lease is broken.

On October 16, 2016, the 3rd District Court of Appeals ruled in AUHSD v. Shasta Secondary Home School (referred to herein as “Anderson”) that independent study charter schools may not have resource centers outside of the boundaries of the school district in which the charter school is authorized, but within the same county. Currently, the Charter School has 1 resource centers located within Sonoma County that are affected by the ruling. This waiver is necessary to allow the continued operation of the Charter School's' existing resource centers and provide the Charter School with time to comply with the Anderson court decision without disruption to current students and the educational program. The resource centers subject to this waiver are as follows:

Pivot Charter School North Bay
2999 Cleveland Ave Suites A, B, C, D
Santa Rosa, CA 95403
The resource center has been at this location since 2013

Total Student Population: 420
Number of Employees: 22
City Type: City

Public Hearing Date: April 12, 2017
Local Board Approval Date: March 25, 2017

Committee/Council Reviewed By: Charter School Board of Directors
Committee/Council Review Date: March 25, 2017
Committee/Council Objection: N
Committee/Council Objection Explanation:

Bargaining Units: Y

Bargaining Unit Date: 04/06/2017
Name: Classified School Employees Association
Representative: Sebastian Link
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 04/06/2017
Name: Oak Grove Union Elementary Educators Association
Representative: Cari Cardle
Title: President
Position: Support

Audit Penalty: N

Categorical Program Monitoring: N

Contact Person Name: Michael Kellison
Position: Superintendent
E-mail: mkellison@ogusd.org
Telephone: 707-545-0171
Fax: 707-545-0176

District or County Certification: The district or county office of education Superintendent or designee must certify to the accuracy of the information and date the request.
Ed Code Title: Geographic Limitations – Nonclassroom Based
Ed Code Section: Portions of Ed Code Sections 47605(a) and 47605.1
Ed Code Authority: Section 33050

Ed Code or CCR to Waive: Education Code section 47605:

(a)(1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. [A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition.] The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

[(4) After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. The authority that granted its charter shall consider whether to approve those additional locations at an open, public meeting. If the additional locations are approved, they shall be a material revision to the charter school's charter.]

[(5) A charter school that is unable to locate within the jurisdiction of the chartering school district may establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, and
either of the following circumstances exists:]

[(A) The school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate.]

[(B) The site is needed for temporary use during a construction or expansion project.]

Education Code Section 47605.1:
[(a)(1) Notwithstanding any other law, a charter school that is granted a charter from the governing board of a school district or county office of education after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, shall locate in accordance with the geographic and site limitations of this part.]

[(2) Notwithstanding any other law, a charter school that is granted a charter by the state board after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, based on the denial of a petition by the governing board of a school district or county board of education, as described in paragraphs (1) and (2) of subdivision (j) of Section 47605, may locate only within the geographic boundaries of the chartering entity that initially denied the petition for the charter.]

[(3) A charter school that receives approval of its charter from a governing board of a school district, a county office of education, or the state board before July 1, 2002, but does not commence operations until after January 1, 2003, shall be subject to the geographic limitations of this part, in accordance with subdivision (e).]

(c) Notwithstanding any other law, a charter school may establish a resource center, meeting space, or other satellite facility [located in a county adjacent to that in which the charter school is authorized] if the following conditions are met:

(1) The facility is used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study of the charter school.

(2) The charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the charter school is authorized.

[(d) Notwithstanding subdivision (a) or subdivision (a) of Section 47605, a charter school that is unable to locate within the geographic boundaries of the chartering school district may establish one site outside the boundaries of the school district, but within the county within which that school district is located, if the school district in which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations, and either of the following circumstances exist:]

[(1) The charter school has attempted to locate a single site or facility to house the
entire program, but such a facility or site is unavailable in the area in which the charter school chooses to locate.

(2) The site is needed for temporary use during a construction or expansion project.

[(e)(1) For a charter school that was granted approval of its charter before July 1, 2002, and provided educational services to pupils before July 1, 2002, this section only applies to new educational services or school sites established or acquired by the charter school on or after July 1, 2002.]

[(2) For a charter school that was granted approval of its charter before July 1, 2002, but did not provide educational services to pupils before July 1, 2002, this section only applies upon the expiration of a charter that is in existence on January 1, 2003.]

[(3) Notwithstanding other implementation timelines in this section, by June 30, 2005, or upon the expiration of a charter that is in existence on January 1, 2003, whichever is later, all charter schools shall be required to comply with this section for school sites at which educational services are provided to pupils before or after July 1, 2002, regardless of whether the charter school initially received approval of its charter school petition before July 1, 2002. To achieve compliance with this section, a charter school shall be required to receive approval of a charter petition in accordance with this section and Section 47605.]

Outcome Rationale: The description is attached as ATTACHMENT NO. 1 to this submission.

Student Population: 3267

City Type: Urban

Public Hearing Date: 4/11/2017
Public Hearing Advertised: Notice posted at the District main office. Notice posted at the District's school sites, a total of eight (8).

Local Board Approval Date: 4/11/2017

Community Council Reviewed By: Options For Youth-San Gabriel Charter School Board
Community Council Reviewed Date: 3/28/2017
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Dr. John Pappalardo
Position: Superintendent
E-mail: pappalardo_j@sgusd.k12.ca.us

Telephone: 626-451-5400
Fax: 626-451-5494

Bargaining Unit Date: 3/2/2017
Name: Newcastle Teachers Association
Representative: Mike Sarkisian
Title: NTA President
Position: Teacher
Comments: Supportive
Options For Youth – San Gabriel Charter School (“OFY-San Gabriel”) was first awarded a charter by Los Angeles County’s San Gabriel Unified School District in 1997. OFY-San Gabriel started operating the school on January 2, 1997 and has continuously been operating since then. OFY-San Gabriel’s charter from San Gabriel Unified School District was recently renewed for an additional five-year term commencing on July 1, 2016 and expiring on June 30, 2021. OFY-San Gabriel serves students in grades 7-12, the majority of whom are drop-out recovery students, students at risk of dropping out of school, foster youth, English learners and low income students. OFY-San Gabriel offers a year-around blended learning program (240 days) including guided independent study with strong, common core standards aligned academic content. There is a focus on high expectations, personal goal setting and on developing self-discipline and responsibility.

The San Gabriel Unified School District has provided supervisorial oversight and performance monitoring services for OFY-San Gabriel, including monitoring school and student performance data, reviewing the school’s audit reports, performing annual visits to the school facilities and resource centers, and considering charter amendment and renewal requests. The San Gabriel Unified School District affirms that at all times OFY-San Gabriel has operated its resource centers consistent with the advice and written guidance issued by the California Department of Education since 2002 (see Attachment No. 2).

In school year 2015-2016 OFY-San Gabriel served a total of 3,387 students. Of those students, OFY-San Gabriel served 2,186 students who were eligible for free and reduced meals, 190 special education students 55 homeless students, 80 pregnant and parenting students, and 12 foster youth. OFY-San Gabriel recovers students from dropping out of school, some of whom go on to graduate from OFY-San Gabriel, but also supports students in credit recovery before returning to their comprehensive high school in their district of residence. OFY-San Gabriel has been highly successful in increasing the numbers of these students who graduate from high school or who attain a high school equivalency certificate, formerly the GED, and who look forward to being contributing citizens. OFY-San Gabriel also provides services and instruction to homeless and transient youth, students in group homes, and other mental or behavioral care facilities. Parent participation, resources and supports are also a part of OFY-San Gabriel’s comprehensive program.

OFY-San Gabriel meets the University of California A-G requirements—all 9th grade students are enrolled in an A-G track. OFY-San Gabriel is accredited by the Western Association of Schools and Colleges (WASC). The Options For Youth Public Charter Schools network, of which OFY-San Gabriel is a member, was recognized by the Broad Foundation as eligible for the Broad Prize for Public Charter schools in 2013, 2014, 2015 and 2016. The Broad Prize (i) recognizes those charter models that show the best academic outcomes, particularly for traditionally disadvantaged students, (ii) creates an accessible repository of high-quality data on student achievement, policies and practices in the largest urban charter management organizations across the count, and (iii) showcases the best practices of successful public charter management organizations so that other public charter schools and traditional public schools can learn from their success. OFY-San Gabriel also offers its students 3-4 day college tours, vocational education, ranch and farm learning experiences, sports programs, community service opportunities, field trips and social and leadership activities.
On October 16, 2016, the 3rd District Court of Appeals ruled in AUHSD v. Shasta Secondary Home School that independent study charter schools may not have resource centers outside of the boundaries of the school district in which the charter school is authorized, but within the same county. OFY-San Gabriel has several resource centers located within Los Angeles County that are affected by the ruling. This waiver is necessary to allow the continued operation of OFY-San Gabriel's existing resource centers which provide a location for state mandated standardized testing, wet labs for A-G requirements, teacher/student meetings, special education services, and intervention services. This waiver would provide OFY-San Gabriel time to comply with the Anderson court decision without disruption to current students and the educational program.

The waiver is consistent with public policy and avoids the detrimental impact on San Gabriel Unified School District, the communities served by OFY-San Gabriel, and society at large that would occur from closure of the affected resource centers. OFY-San Gabriel is forecasted to pay approximately $147,800 in district oversight fees over the next year to San Gabriel Unified School District. Additionally, in a 2010 study, Dr. James S. Catterall of the University of California Los Angeles found that the dropout recovery work of Options For Youth and its sister network of charter schools, Opportunities For Learning, had a societal economic benefit of 3 to 1. Meaning, that for every one dollar invested in the program there would be an estimated $3.00 returned in societal benefits. (Catterall, J. S. (2011). The societal benefits and costs of school dropout recovery. Education Research International, 2011.) OFY-San Gabriel provides at-risk students with educational opportunities they otherwise would not have if the program was not readily available to them by way of its resource centers. Also, prior to opening its resource centers, OFY-San Gabriel researches local gang activity in order to open its resource centers in areas identified as gang-neutral zones and to allow students living in high gang activity areas the opportunity to attend school without fear. This is done in an effort to protect its students and to give them a safe environment to focus on their educational advancement.

If the waiver is not granted, as of March 31, 2017, approximately 1,706 students who enrolled with OFY-San Gabriel this school year so far would be displaced with many of them forced to go back into a traditional educational program where they were previously unsuccessful and also to schools located in unsafe gang-zone areas. Closure of these resource centers would also cause the loss of 53 jobs as of March 31, 2017. With the addition of the resource centers proposed below, as of July 1, 2017, approximately 2,707 additional students would be displaced and 104 jobs would be lost. Moreover, all of the affected centers are leased from third-party landlords. OFY-San Gabriel would be obligated to pay termination fees for each of the facilities. This would cause OFY-San Gabriel to spend public dollars on empty facilities when those funds should be spent on serving students in the community.

The resource centers currently open under OFY-San Gabriel that are subject to this waiver are as follows:

1. 5926 Monterey Rd, Los Angeles, CA 90042, located within the Los Angeles Unified School District. The center was established on 09/15/2014. In the 2016/17 school year, the center has served 323 students and is currently staffed by 7 employees. The waiver is needed in order to ensure these students continue to receive the one-on-one specialized instructional support that includes individual remedial support, small group instruction, and Special Education and English Language support. In addition, this center provides wrap-around services from sports and cheer to Certified Technical Education, Associated Student Body leadership, experiential fieldtrips and a structured college readiness program (CREW). Special Education and English
Language services are also provided. All instructional modalities include technology and the use of new technology to prepare students with 21st century skills. Special student populations are served including homeless, foster youth, military and mobile students, providing educational support to 7 of these students currently and 20 students total year to date at this center. The facility is leased from a third-party landlord. The current lease term does not expire until 09/30/2019 and would result in a total cost of approximately $36,000 in early termination fees as well as utility termination fees. Additionally, if all of the employees must be laid off at this center, there would be an approximate cost of $14,133 in severance pay.

2. **16023 Arrow Hwy., #A, C1, C2, D, E, and F, Irwindale, CA 91706**, located within the Azusa Unified School District. The center was established on 04/12/2012. In the 2016/17 school year, the center has served 417 students and is currently staffed by 16 employees. The waiver is needed in order to ensure these students continue to receive the one-on-one specialized instructional support that includes individual remedial support, small group instruction, and Special Education and English Language support. In addition, this center provides wrap-around services from sports and cheer to Certified Technical Education, Associated Student Body leadership, experiential fieldtrips and a structured college readiness program (CREW). Special Education and English Language services are also provided. All instructional modalities include technology and the use of new technology to prepare students with 21st century skills. In addition, there is a Middle School program offered at this center for students in 7th and 8th grade that provides a rich grade level learning environment with two credentialed teachers driving and supporting the learning of 25 students. Instruction is offered in all of the core subject areas with students attending school three times per week creating continuing with a flexible learning environment. Special student populations are served including homeless, foster youth, military and mobile students, providing educational support to 11 of these students currently and 28 students total year to date at this center. The facility is leased from a third-party landlord. The current lease term does not expire until 08/31/2020 and would result in a total cost to OFY-San Gabriel of approximately $38,000 in early termination fees as well as utility termination fees. Additionally, if all of the employees must be laid off at this center, there would be an approximate cost of $89,516 in severance pay.

3. **2626 Foothill Blvd Suite, 101-104, La Crescenta, CA 91214**, located within the Glendale Unified School District. The center was established on 09/01/2014. In the 2016/17 school year, the center has served 449 students and is currently staffed by 14 employees. The waiver is needed in order to ensure these students continue to receive the one-on-one specialized instructional support that includes individual remedial support, small group instruction, and Special Education and English Language support. In addition, this center provides wrap-around services from sports and cheer to Certified Technical Education, Associated Student Body leadership, experiential fieldtrips and a structured college readiness program (CREW). Special Education and English Language services are also provided. All instructional modalities include technology and the use of new technology to prepare students with 21st century skills. Special student populations are served including homeless, foster youth, military and mobile students, providing educational support to 1 of these students currently and 2 students total year to date at this center. The facility is leased from a third-party landlord. The current lease term does not expire until 09/30/2019 and would result in a total
cost to OFY-San Gabriel of approximately $16,500 in early termination fees as well as utility termination fees. Additionally, if all of the employees must be laid off at this center, there would be an approximate cost of $58,028 in severance pay.

4. 689-695 Foothill Blvd, Pomona, CA 91767, located within the Claremont Unified School District. The center was established 07/01/2013. In the 2016/17 school year, the center has served 517 students and is currently staffed by 16 employees. The waiver is needed in order to ensure these students continue to receive the one-on-one specialized instructional support that includes individual remedial support, small group instruction, and Special Education and English Language support. In addition, this center provides wrap-around services from sports and cheer to Certified Technical Education, Associated Student Body leadership, experiential field trips and a structured college readiness program (CREW). Special Education and English Language services are also provided. All instructional modalities include technology and the use of new technology to prepare students with 21st century skills. Special student populations are served including homeless, foster youth, military and mobile students, providing educational support to 12 of these students currently and 33 students total year to date at this center. The facility is leased from a third-party landlord. The current lease term does not expire until 06/30/2018 and would result in a total cost to OFY-San Gabriel of approximately $43,050 in early termination fees as well as utility termination fees. Additionally, if all of the employees must be laid off at this center, there would be an approximate cost of $70,482 in severance pay.

5. 2322 W 3rd Street, Los Angeles, CA 90010, located within the Los Angeles Unified School District. The center was established on 10/01/2016, prior to the Shasta ruling, with an anticipated opening date of 06/01/2017. The waiver is needed because this site will serve a high concentration of “at-risk” youth in the MacArthur Park region where there is high gang prevalence. The targeted student population will include foster youth, homeless youth, pregnant and parenting youth and youth involved with the juvenile justice system. The goal at the time of opening is to serve 100 students and from the onset, will offer one-on-one specialized instructional support, individual remedial support, small group instruction, and Special Education and English Language support. All instructional modalities will include technology and the use of new technology to prepare students with 21st century skills. The facility is leased from a third-party landlord. The current lease term does not expire until 09/30/2021 and would result in a total cost to OFY-San Gabriel of approximately $50,050 in early termination fees.

In addition, the following resource centers are proposed to be open under OFY-San Gabriel as of July 1, 2017 and are also subject to this waiver as follows:

6. 19315 Saticoy Street, Units C and E Reseda, CA 91335, located within the Los Angeles Unified School District. The center was established on 05/02/2016. In the 2016/17 school year, the center has served 280 students and is currently staffed by 14 employees. The waiver is needed in order to ensure these students continue to receive the one-on-one specialized instructional support that includes individual remedial
support, small group instruction, and Special Education and English Language support. In addition, this center provides wrap-around services from sports and cheer to Certified Technical Education, Associated Student Body leadership, experiential fieldtrips and a structured college readiness program (CREW). Special Education and English Language services are also provided. All instructional modalities include technology and the use of new technology to prepare students with 21st century skills. Special student populations are served including homeless, foster youth, military and mobile students, providing educational support to 10 of these students currently and 16 students total year to date at this center. The facility is leased from a third-party landlord. The current lease term does not expire until 05/31/2021 and would result in a total cost of approximately $62,601 in early termination fees as well as utility termination fees. Additionally, if all of the employees must be laid off at this center, there would be an approximate cost of $142,798 in severance pay.

7. 13788 Foothill Blvd., Suite 6-9, Sylmar, CA 91342, located within the Los Angeles Unified School District. The center was established on 01/01/2015 and is intended to expand the square footage of the center. Following the expansion, the center’s address will be 13754 Foothill Blvd., Sylmar, CA 91342. In the 2016/17 school year, the center has served 398 students and is currently staffed by 15 employees. The waiver is needed in order to ensure these students continue to receive the one-on-one specialized instructional support that includes individual remedial support, small group instruction, and Special Education and English Language support. In addition, this center provides wrap-around services from sports and cheer to Certified Technical Education, Associated Student Body leadership, experiential fieldtrips and a structured college readiness program (CREW). Special Education and English Language services are also provided. All instructional modalities include technology and the use of new technology to prepare students with 21st century skills. Special student populations are served including homeless, foster youth, military and mobile students, providing educational support to 13 of these students currently and 25 students total year to date at this center. The facility is leased from a third-party landlord and would result in early termination fees if the center were to be closed. Additionally, if all of the employees must be laid off at this center, there would be an approximate cost of $71,166 in severance pay.

8. 6628 Van Nuys Blvd, Van Nuys, CA 91405, located within the Los Angeles Unified School District. The center was established on 04/08/2011. In the 2016/17 school year, the center has served 323 students and is currently staffed by 22 employees. The waiver is needed in order to ensure these students continue to receive the one-on-one specialized instructional support that includes individual remedial support, small group instruction, and Special Education and English Language support. In addition, this center provides wrap-around services from sports and cheer to Certified Technical Education, Associated Student Body leadership, experiential fieldtrips and a structured college readiness program (CREW). Special Education and English Language services are also provided. All instructional modalities include technology and the use of new technology to prepare students with 21st century skills. Special student populations are served including homeless, foster youth, military and mobile students, providing educational support to 4 of these students currently and 13 students total year to date at this center. The facility is leased from a third-party landlord. The current lease term does not expire until 09/30/2017 and would result in a total
cost of approximately $6,550 in early termination fees as well as utility termination fees. Additionally, if all of the employees must be laid off at this center, there would be an approximate cost of $77,437 in severance pay.
California Department of Education  
WAIVER SUBMISSION - General  

CD Code: 3476505  Waiver Number: 36-4-2017  Active Year: 2017  

Date In: 4/28/2017 12:25:06 PM  

Local Education Agency: Twin Rivers Unified School District  
Address: 5115 Dudley Blvd.  
McClellan, CA 95652  

Start: 6/30/2017  End: 6/30/2018  
Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date:  

Waiver Topic: Charter School Program. The requested waiver is for Sacramento Academic & Vocational Academy ("SAVA") charter school to come into compliance with the Anderson Union High School District v. Shasta Secondary Home School decision only, and limited to one school year from 6/30/2017-6/30/2018.  

Ed Code Title: Geographic Limitations - Non-classroom Based  
Ed Code Section: 47605(a)(1), (4), 47605(a)(5), 47605.1(a), 1(a), and 47605.1(c)  
Ed Code Authority: ed code 33050  

Ed Code or CCR to Waive: (a)(1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. [A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition.] The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:  

(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation.  

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.  

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (c) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the
petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

(3) A petition shall include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having his or her child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

[(4) After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. The authority that granted its charter shall consider whether to approve those additional locations at an open, public meeting. If the additional locations are approved, they shall be a material revision to the charter school's charter.]

[(5) A charter school that is unable to locate within the jurisdiction of the chartering school district may establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, and either of the following circumstances exists:]

[(A) The school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate.]

[(B) The site is needed for temporary use during a construction or expansion project.]

(6) Commencing January 1, 2003, a petition to establish a charter school may not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 30 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the legislature that charter schools are and
should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A)(i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A” to “G” admissions criteria may be considered to meet college entrance requirements.

(B) The measureable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school
demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(D) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(E) The qualifications to be met by individuals to be employed by the charter school.

(F) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the charter school furnish it with a criminal record summary as described in Section 44237.

(G) The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

(H) Admission requirements, if applicable.

(I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

(J) The procedures by which pupils can be suspended or expelled.

(K) The manner by which staff members of the charter schools will be covered by the State Teachers’ Retirement System, the Public Employees’ Retirement System, or federal social security.

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school
district after employment at a charter school.

(N) The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.

(O) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(c)(1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school’s educational programs.

(d)(1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2)(A) A charter school shall admit all pupils who wish to attend the school.

(B) If the number of pupils who wish to attend the charter school exceeds the school’s capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.
(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil’s last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(e) The governing board of a school district shall not require an employee of the school district to be employed in a charter school.

(f) The governing board of a school district shall not require a pupil enrolled in the school district to attend a charter school.

(g) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects, if any, upon the school and upon the school district. The description of the facilities to be used by the charter school shall specify where the school intends to locate. The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation.

(h) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(i) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

(j)(1) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The county board of education shall review the petition pursuant to subdivision (b). If the petitioner elects to submit a petition for establishment of a charter school to the county board of education and the county board of education denies the petition, the petitioner may file a petition for establishment of a charter school with the state board, and the state board may approve the petition, in accordance with subdivision (b). A charter school that receives approval of its petition from a county board of education or from the state board on appeal shall be subject to the same
requirements concerning geographic location to which it would otherwise be subject if it received approval from the entity to which it originally submitted its petition. A charter petition that is submitted to either a county board of education or to the state board shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate.

(2) In assuming its role as a chartering agency, the state board shall develop criteria to be used for the review and approval of charter school petitions presented to the state board. The criteria shall address all elements required for charter approval, as identified in subdivision (b), and shall define “reasonably comprehensive” as used in paragraph (5) of subdivision (b) in a way that is consistent with the intent of this part. Upon satisfactory completion of the criteria, the state board shall adopt the criteria on or before June 30, 2001.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) If either the county board of education or the state board fails to act on a petition within 120 days of receipt, the decision of the governing board of the school district to deny a petition shall be subject to judicial review.

(5) The state board shall adopt regulations implementing this subdivision.

(6) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition to the department and the state board.

(k)(1) The state board may, by mutual agreement, designate its supervisory and oversight responsibilities for a charter school approved by the state board to any local educational agency in the county in which the charter school is located or to the governing board of the school district that first denied the petition.

(2) The designated local educational agency shall have all monitoring and supervising authority of a chartering agency, including, but not limited to, powers and duties set forth in Section 47607, except the power of revocation, which shall remain with the state board.

(3) A charter school that is granted its charter through an appeal to the state board and elects to seek renewal of its charter shall, before expiration of the charter, submit its petition for renewal to the governing board of the school district that initially denied the charter. If the governing board of the school district denies the charter school’s petition for renewal, the school may petition the state board for renewal of its charter.

(l) Teachers in charter schools shall hold a Commission on Teacher Credentialing
certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.

(m) A charter school shall transmit a copy of its annual, independent financial audit report for the preceding fiscal year, as described in subparagraph (l) of paragraph (5) of subdivision (b), to its chartering entity, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering entity, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering entity pursuant to Section 41020.

EC Section 47605.1

[(a)(1) Notwithstanding any other law, a charter school that is granted a charter from the governing board of a school district or county office of education after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, shall locate in accordance with the geographic and site limitations of this part.]

[(2) Notwithstanding any other law, a charter school that is granted a charter by the state board after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, based on the denial of a petition by the governing board of a school district or county board of education, as described in paragraphs (1) and (2) of subdivision (j) of Section 47605, may locate only within the geographic boundaries of the chartering entity that initially denied the petition for the charter.]

[(3) A charter school that receives approval of its charter from a governing board of a school district, a county office of education, or the state board before July 1, 2002, but does not commence operations until after January 1, 2003, shall be subject to the geographic limitations of this part, in accordance with subdivision (e).]

(b) This section is not intended to affect the admission requirements contained in subdivision (d) of Section 47605.

(c) Notwithstanding any other law, a charter school may establish a resource center, meeting space, or other satellite facility [located in a county adjacent to that in which the charter school is authorized] if the following conditions are met:

(1) The facility is used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study of the charter school.

(2) The charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the charter school is authorized.
[(d) Notwithstanding subdivision (a) or subdivision (a) of Section 47605, a charter school that is unable to locate within the geographic boundaries of the chartering school district may establish one site outside the boundaries of the school district, but within the county within which that school district is located, if the school district in which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations, and either of the following circumstances exist:]

[(1) The charter school has attempted to locate a single site or facility to house the entire program, but such a facility or site is unavailable in the area in which the charter school chooses to locate.
(2) The site is needed for temporary use during a construction or expansion project.]

[(e)(1) For a charter school that was granted approval of its charter before July 1, 2002, and provided educational services to pupils before July 1, 2002, this section only applies to new educational services or schoolsites established or acquired by the charter school on or after July 1, 2002.]

[(2) For a charter school that was granted approval of its charter before July 1, 2002, but did not provide educational services to pupils before July 1, 2002, this section only applies upon the expiration of a charter that is in existence on January 1, 2003.]

[(3) Notwithstanding other implementation timelines in this section, by June 30, 2005, or upon the expiration of a charter that is in existence on January 1, 2003, whichever is later, all charter schools shall be required to comply with this section for schoolsites at which educational services are provided to pupils before or after July 1, 2002, regardless of whether the charter school initially received approval of its charter school petition before July 1, 2002. To achieve compliance with this section, a charter school shall be required to receive approval of a charter petition in accordance with this section and Section 47605.]

(4) This section is not intended to affect the authority of a governmental entity to revoke a charter that is granted on or before the effective date of this section.

(f) A charter school that submits its petition directly to a county board of education, as authorized by Section 47605.5 or 47605.6, may establish charter school operations only within the geographical boundaries of the county in which that county board of education has jurisdiction.

(g) Notwithstanding any other law, the jurisdictional limitations set forth in this section do not apply to a charter school that provides instruction exclusively in partnership with any of the following:

(1) The federal Workforce Innovation and Opportunity Act (29 U.S.C. Sec. 3101 et
seq.

(2) Federally affiliated Youth Build programs.

(3) Federal job corps training or instruction provided pursuant to a memorandum of understanding with the federal provider.

(4) The California Conservation Corps or local conservation corps certified by the California Conservation Corps pursuant to Sections 14507.5 or 14406 of the Public Resources code.

(5) Instruction provided to juvenile court school pupils pursuant to subdivision (b) of Section 42238.18 or pursuant to Section 1981 for individuals who are placed in a residential facility.

Outcome Rationale: 10. Demographic Information and Outcome Rational:

Sacramento Academic and Vocational Academy (“SAVA”) has been authorized by the Twin Rivers Unified School District (“TRUSD”) since 2007, renewed in 2012 and in December 2016 received a five-year renewal term from July 1, 2017 to June 30, 2022. SAVA is a non-classroom based/independent study charter school program offering personalized learning education programs for grades 7-12. SAVA is one of seven charter schools operated and overseen by Gateway Community Charters, a 501c3 non-profit charter management organization (CMO) with over 14 years of experience. SAVA operates four facilities located in various locations in the greater Sacramento region, only three of which are subject to this waiver request.

Location #1: 5310-5330 Power Inn Rd., Sacramento, CA 95820
- District: Sacramento City Unified School District
- Date Established: 09/19/2007
- Number of Students Attending: 356

- Services Provided: Academic support, Career and Technical Education classes, online academy, College and Career counseling, Student Leadership, Mentorship programs, Special Education labs and services, English Language Learner support programs, Dual enrollment with local community colleges, Homeless/Foster youth services and support, Food and transportation services for low-income students, and Athletic programs.
- Costs
  - Facility/Lease
    - CTE investments/infrastructure- SAVA has made significant investments to provide a quality educational environment for at risk students. We have invested over $730,000 in funds for Diesel engines, welding machines, auto shop equipment, technology, sound and production equipment, tools and saws for construction, and
other needed equipment to support student learning.

? Annual Lease cost for this resource center is $246,024.60. Only portions of our space can be renegotiated in the short term, therefore the approval of a waiver would allow the school to provide a safe landing for our at risk population.

o Utilities: the monthly utilities cost for this resource center is $3,841.39

s Employees for all 3 resource centers: Estimated Salaries and Benefits

$1,894,632

• Unique Aspects (WIOA/CTE/At Risk)

o SAVA is in partnership with WIOA and has a career readiness and career exploration components. As a program that serves at-risk youth SAVA has a number of students who come from low income communities and have been in multiple schools before arriving at SAVA.

o Articulations with local community colleges: SAVA currently has twelve different CTE classes articulated with local community colleges. Students enrolled in these classes are able to earn both high school and college credit upon successful completion of the course.

o SAVA provides students the opportunity to participate in athletic programs. The school currently offers both boys and girls the option to play basketball and run cross country. SAVA also offers all students the opportunity to enroll in a fitness program and participate in daily workouts at the on-campus gym.

o SAVA provides all students small group and one on one academic support. All students receive one on one time each week being taught by a credentialed teacher and students also participate in small group academic support classes averaging better than a 10:1 student teacher ratio.

o SAVA provides low income students free transportation to and from school on a daily basis. Any student that qualifies as low income will receive free bus passes provided by the school.

• Unique Population

o The average new student enrolling at SAVA tests 4 years below grade level in both reading and math on placement tests

o A majority of new students at SAVA have attended 2 or more high schools prior to enrolling at SAVA

o The average new enrollee at SAVA is one or more years credit deficient

o Over 80% of the student population at SAVA qualifies as low-income

o SAVA was granted significant multiyear grant funding (CCPT and CTEIG) to support the necessary facility and infrastructure to create meaningful hands on vocational pathway experiences. These funds are mid cycle and significant initial investments have been made, for example: a clean diesel shop, construction, a music and recording studio, a culinary kitchen etc.

Location #2: 6207 Logan St, Sacramento, CA 95824

o District: Sacramento City Unified School District

o Date Established: 11/01/2011

o Number of Students Attending: 140
• Services Provided: Academic support, Career and Technical Education classes, College and Career counseling, Student Leadership, Mentorship programs, Special Education labs and services, English Language Learner support programs, Dual enrollment with local community colleges, Homeless/Foster youth services and support, Food and transportation services for low-income students, and Athletic programs.
• Costs
  o Facility/Lease
  ? This resource center is located at a City of Sacramento Community Center. We utilize a number of existing spaces and equipment for our program.
  ? Annual Lease cost for this resource center is $91,743.00. Only portions of our space can be renegotiated in the short term, therefore the approval of a waiver would allow the school to provide a safe landing for our at risk population.
  o Employees for all 3 resource centers: Estimated Salaries and Benefits $1,894,632
• Unique Aspects (WIOA/CTE/At Risk)
  o SAVA is in partnership with WIOA and has a career readiness and career exploration components. As a program that serves at-risk youth SAVA has a number of students who come from low income communities and have been in multiple schools before arriving at SAVA.
  o Articulations with local community colleges: SAVA currently has twelve different CTE classes articulated with local community colleges. Students enrolled in these classes are able to earn both high school and college credit upon successful completion of the course.
  o SAVA provides students the opportunity to participate in athletic programs. The school currently offers both boys and girls the option to play basketball and run cross country. SAVA also offers all students the opportunity to enroll in a fitness program and participate in daily workouts at the on-campus gym.
  o SAVA provides all students small group and one on one academic support. All students receive one on one time each week being taught by a credentialed teacher and students also participate in small group academic support classes averaging better than a 10:1 student teacher ratio.
  o SAVA provides low income students free transportation to and from school on a daily basis. Any student that qualifies as low income will receive free bus passes provided by the school.
  o We are partners at this facility with the City of Sacramento at the Sims Community Center. Our work at the center is in cooperation with the services and needs of the greater community.
• Unique Population
  o The average new student enrolling at SAVA tests 4 years below grade level in both reading and math on placement tests
  o A majority of new students at SAVA have attended 2 or more high schools prior to enrolling at SAVA
  o The average new enrollee at SAVA is one or more years credit deficient
  o Over 80% of the student population at SAVA qualifies as low-income
• The community center that this program is located at has been under
programmed to allow SAVA to operate programs. If the center is closed we will be breaking our agreement with the Sacramento City Council to operate a program at that center for youth. This would require notice to both the Department of Parks and Recreation and the City Manager’s Office.

Location #3: 3141 Dwight Road, Elk Grove, CA 95753

- District: Elk Grove Unified School District
- Date Established: 09/19/2007
- Number of Students Attending: 314

- Services Provided; Academic support, Career and Technical Education classes, online academy, College and Career counseling, Student Leadership, Mentorship programs, Special Education labs and services, English Language Learner support programs, Dual enrollment with local community colleges, Homeless/Foster youth services and support, Food and transportation services for low-income students, and Athletic programs.

- Costs
  - CTE investments/infrastructure- SAVA has made significant investments to provide a quality educational environment for at risk students. We have invested over $156,000 in funds for a culinary kitchen, recording studio, technology, construction and building materials, and other needed equipment to support student learning.
  - Annual Lease cost for this resource center is $200,811.80. Only portions of our space can re-negotiated in the short term, therefore the approval of a waiver would allow the school to provide a safe landing for our at risk student population.
  - Utilities- the monthly utilities cost for this resource center is $2531.31
  - Employees- Employees for all 3 resource centers: Estimated Salaries and Benefits $1,894,632

- Unique Aspects (WIOA/CTE/At Risk)
  - SAVA is in partnership with WIOA and has a career readiness and career exploration components. As a program that serves at-risk youth SAVA has a number of students who come from low income communities and have been in multiple schools before arriving at SAVA.
  - Articulations with local community colleges: SAVA currently has twelve different CTE classes articulated with local community colleges. Students enrolled in these classes are able to earn both high school and college credit upon successful completion of the course.
  - SAVA provides students the opportunity to participate in athletic programs. The school currently offers both boys and girls the option to play basketball and run cross country. SAVA also offers all students the opportunity to enroll in a fitness program and participate in daily workouts at the on-campus gym
  - SAVA provides all students small group and one on one academic support. All students receive one on one time each week being taught by a credentialed teacher and students also participate in small group academic support classes averaging better than a 10:1 student teacher ratio.
  - SAVA provides low income students free transportation to and from school on a
daily basis. Any student that qualifies as low income will receive free bus passes provided by the school.

- Unique Population
  - The average new student enrolling at SAVA tests 4 years below grade level in both reading and math on placement tests
  - A majority of new students at SAVA have attended 2 or more high schools prior to enrolling at SAVA
  - The average new enrollee at SAVA is one or more years credit deficient
  - SAVA was granted significant multiyear grant funding (CCPT and CTEIG) to support the necessary facility and infrastructure to create meaningful hands on vocational pathway experiences. These funds are mid cycle and significant initial investments have been made, for example: an auto shop, a music and recording studio, a Culinary kitchen, fashion design, etc.

On October 16, 2016, the 3rd District Court of Appeals ruled in AUHSD v. Shasta Secondary Home School that independent study charter schools may not have resource centers outside of the boundaries of the school district in which the charter school is authorized, but within the same county. This waiver is necessary to allow the continued operation of SAVA’s existing resource centers.

The court ruling impacts SAVA’s 810 students attending the resource centers who are 85% socioeconomically disadvantaged; 14% English Leaners; 21% students with disabilities; 48% Hispanic; 7% Asian; 26% African-American, 2% Native American; 3% Pacific Islander; 8% White; and 4% Other/Multiple/No Response.

The impact of court’s ruling will result in the closing of these resource centers impacting 810 highly at-risk students who are now engaged in school and on a path towards graduation, employment of approximately 113 school employees and the inability to meet millions of dollars in long-term leases and other financial obligations. The result has the potential to cause SAVA to become insolvent and forced to file for bankruptcy. In addition to the impact on students being displaced, staff’s loss of employment and school closure costs, local communities and the state of California will be affected by the loss of the societal benefit of each high school dropout recovered through SAVA’s educational program. For many of SAVA’s students SAVA’s program is their last hope of obtaining a high school diploma, achieving work ready skills, and going on to become productive citizens.

This waiver is necessary to allow the continued operation of SAVA’s existing resource centers that provides the services and resources required under Education Code Section 51746, intervention support for all students, direct instruction opportunities for all students, but also provides a location for federally mandated special education services to allow the provision of a free appropriate public education (“FAPE”) to students who qualify under the Individuals with Disabilities in Education Act (“IDEA”) and state mandated testing as required of charter schools pursuant to Education Code
Section 47605(c). At 21% identification SAVA provides services at nearly double the state average which is a significant student need. In addition, the resource centers allow for the delivery of English Language Development, credit recovery, Career Technical Education, counseling, testing and intervention services. Additionally each SAVA resource center provides basic needs support for our students such as; school lunch program, access to community resources and support, diapers and resources for parenting teens, and counseling support. Each SAVA resource center is staffed with two administrators, one school counselor, office and support staff, credentialed teachers, and paraprofessionals. Each center has a different number of employees based on the number of students who attend the center, but the average number of employees at each center is 37.

As a non-classroom based charter school, SAVA is not eligible for Proposition 39 funding so each initial build out and start up is directly funded by SAVA. Due to SAVA’s hard work and best practice implementation of multiple pathways (including Transportation Sector/System Diagnostic Service and Repair: Clean Diesel, Public Service: Fire Technology, Public Service: EMR Emergency Medical Response, Fashion Design, Hospitality, Tourism and Recreation: Culinary and more), SAVA was awarded both CCPT (California Career Pathways Trust) and CTEIG (Career Technical Education Incentive Grants) grants and have invested these significantly in multiple vocational spaces such as auto shops and culinary kitchens. In addition, each resource center lease agreement does not have a termination “out clause” allowing the schools to release them of their long term financial liability. Furthermore, despite SAVA’s high free and reduced lunch ratio, it is not eligible for rental reimbursement under SB 740 as a nonclassroom based charter school.

SAVA created these resource centers in alignment with the direction provided by the California Department of Education as provided in the letter dated November 14, 2002 from Janet Sterling, Director, School Fiscal Services Division, updating Charter School Administrators, County and District Superintendents and Chief Business Officials on recent charter legislation, including AB 1994 (attached). Additionally the resource centers were acknowledged and approved by our LEA and Governing Board.

SAVA is specifically designated as an Alternative School Accountability Model (ASAM) charter school serving “highly at-risk” pupils in grades 7-12, many of whom have previously dropped out of high school and enroll at SAVA significantly behind in reading and math foundational skills with an average of 30-60 credits deficient. The term “highly at-risk” encompasses students who are homeless, foster youth, struggling with poverty, victims of violence, pregnant, significantly credit deficient, have medical problems that prevent regular attendance in a comprehensive program, and are on probation for criminal offenses. At-risk youth typically come from single-parent homes, have a low socioeconomic status, and experience a high degree of transiency in their living situations. Despite these barriers to achievement, SAVA continues to create meaningful adult relationships, engage students in a variety of career and vocational pathways, build self-confidence and self-efficacy, and help these students succeed and
graduate from high school.

SAVA is designed to deliver a comprehensive instructional program through various instructional structures (i.e. independent study, career focused, online courses and academy, project-based learning, CTE, and concurrent enrollment in community college, when appropriate). Though all students in grades 7 through 12 may benefit from the program, SAVA’s primary focus is on working with high risk youth, those with attendance and behavioral issues, low academic achievers, those on formal or informal probation – youthful offenders, credit deficient, in danger of dropping out, expelled, pregnant and parenting teens, homeless, disenfranchised and those whose needs have not been served by the traditional education environment.

SAVA is unique in that the requirements of high school graduation include 20 credits of career-technical education (CTE) as well as 5 credits of Service Learning. Graduating seniors of SAVA receive a 21st Century Skills Certificate and develop a senior portfolio containing resumes, job applications, letter of recommendations, writing samples, and career presentation. As a result, these students are better prepared to enter the workforce, an apprenticeship program, continue with technical post-secondary training, or matriculate with a four-year college.

The SAVA Career Technical Education curriculum and program frameworks are aligned with the California CTE Model Curriculum Standards and provide a coherent sequence of CTE courses that enable pupils to transition to postsecondary education programs that lead to a career pathway. The emphasis of this concept is centered on the courses and programs being delivered in public secondary schools across California and other states. The CTE pathway course sequences fulfill the necessary academic requirements for admission to the University of California, California State University and California Community Colleges. The program frameworks show how industry sector skill standards and academic standards compliment and strengthen one another. It aligns industry sector standards with activities that incorporate math, language arts, and other core standards and competency test requirements, preparing students to be college and career ready.

SAVA provides instruction through a non-classroom based instructional model. Students meet with a teacher of record and support staff weekly. Additional instructional support is available for students requiring assistance with core academics and special needs, as well as career technical education. In addition to direct instruction and work review, students complete additional work assignments independently. The school meets all state requirements regarding minimum number of school days and annual instructional minutes.

Each minor student and at least one parent, and each adult student, with the assistance of administrators, teachers, advisors and mentors, design appropriate educational plans, curricula and assignments based upon the student’s educational needs, interests and objectives, and sign one or more contract(s) with SAVA that clearly describes the
student’s educational goals and curriculum for each school year the student is enrolled at SAVA. All curricula state the student’s courses of study and, if applicable, the credits the student will receive upon successfully demonstrating competence and completing the course of study.

At SAVA, each student is given an individualized learning plan that requires differentiated instruction based on their learning needs, abilities and interests. Because SAVA teachers individualize instruction for each student, there is dramatic positive impact on the student’s learning. Students are more involved in their learning and take pride in and ownership of their learning because the instruction is built around them. Teachers differentiate instruction through scaffolding, background knowledge, multiple intelligences, peer teaching, graduation and career goals, support labs, conversations, modeling, pacing and using students’ strengths in every subject. Teachers use RTI (Response to Intervention) to make accommodations and modifications for student course work and to differentiate instruction. RTI is clearly stated on the student’s weekly assignment sheet; the “grid of 9” clearly articulates the differentiation and curriculum adaptations to the students and parents. These modifications are: quantity of practice, time, level of support, input, difficulty, output, participation, alternate goals and functional curriculum.

TRUSD provides supervisorial oversight for SAVA, and affirms that SAVA has at all times operated its resource centers consistent with the SAVA charter as approved by TRUSD since 2007.

Student Population: 850
City Type: Urban
Public Hearing Date: 4/4/2017
Public Hearing Advertised: yes
Local Board Approval Date: 4/4/2017
Community Council Reviewed By: Board of Trustees, Twin Rivers Unified School District
Community Council Reviewed Date: 4/4/2017
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N
Categorical Program Monitoring: N
Submitted by: Dr. Sara Noguchi
Position: Associate Superintendent  
E-mail: Sara.Noguchi@twinriversusd.org

Telephone: 916-566-1622 x50050  
Fax:

Bargaining Unit Date: 4/28/2017  
Name: Twin Rivers United Educators  
Representative: Kristen Finney  
Title: President  
Position: Neutral
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 1965136  Waiver Number: 39-5-2017  Active Year: 2017

Date In: 5/26/2017 8:53:15 AM

Local Education Agency: William S. Hart Union High School District  
Address: 21380 Centre Pointe Pkwy.  
Santa Clarita, CA 91350

Start: 7/1/2017  End: 6/30/2018

Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date:

Waiver Topic: Charter School Program  
Ed Code Title: Geographic Limitations - Non-classroom Based  
Ed Code Section: Portions of EC 47605(a) (1) and 47605.1  
Ed Code Authority: 33050

Ed Code or CCR to Waive: Ed Code or CCR to Waive: Portions of California Education Code Sections 47605(a)(1) and 47605.1 as follows:

Education Code section 47605:

(a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. [A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition.]

[(4) After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. The authority that granted its charter shall consider whether to approve those additional locations at an open, public meeting. If the additional locations are approved, they shall be a material revision to the charter school’s charter.]

[(5) A charter school that is unable to locate within the jurisdiction of the chartering school district may establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent


are notified of the location of the charter school before it commences operations, and either of the following circumstances exists:

(A) The school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate.

(B) The site is needed for temporary use during a construction or expansion project.

Education Code Section 47605.1:

[(a)(1) Notwithstanding any other law, a charter school that is granted a charter from the governing board of a school district or county office of education after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, shall locate in accordance with the geographic and site limitations of this part.

(2) Notwithstanding any other law, a charter school that is granted a charter by the state board after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, based on the denial of a petition by the governing board of a school district or county board of education, as described in paragraphs (1) and (2) of subdivision (j) of Section 47605, may locate only within the geographic boundaries of the chartering entity that initially denied the petition for the charter.

(3) A charter school that receives approval of its charter from a governing board of a school district, a county office of education, or the state board before July 1, 2002, but does not commence operations until after January 1, 2003, shall be subject to the geographic limitations of this part, in accordance with subdivision (e).]

(c) Notwithstanding any other law, a charter school may establish a resource center, meeting space, or other satellite facility [located in a county adjacent to that in which the charter school is authorized] if the following conditions are met:

(1) The facility is used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study of the charter school.

(2) The charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the charter school is authorized.

[(d) Notwithstanding subdivision (a) or subdivision (a) of Section 47605, a charter school that is unable to locate within the geographic boundaries of the chartering school district may establish one site outside the boundaries of the school district, but within the county within which that school district is located, if the school district in which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations, and either of the following circumstances exist:
(1) The charter school has attempted to locate a single site or facility to house the entire program, but such a facility or site is unavailable in the area in which the charter school chooses to locate.
(2) The site is needed for temporary use during a construction or expansion project.

(e)(1) For a charter school that was granted approval of its charter before July 1, 2002, and provided educational services to pupils before July 1, 2002, this section only applies to new educational services or schoolsites established or acquired by the charter school on or after July 1, 2002.

(2) For a charter school that was granted approval of its charter before July 1, 2002, but did not provide educational services to pupils before July 1, 2002, this section only applies upon the expiration of a charter that is in existence on January 1, 2003.

(3) Notwithstanding other implementation timelines in this section, by June 30, 2005, or upon the expiration of a charter that is in existence on January 1, 2003, whichever is later, all charter schools shall be required to comply with this section for schoolsites at which educational services are provided to pupils before or after July 1, 2002, regardless of whether the charter school initially received approval of its charter school petition before July 1, 2002. To achieve compliance with this section, a charter school shall be required to receive approval of a charter petition in accordance with this section and Section 47605.

Outcome Rationale: Mission View Public Charter School (Mission View) has been authorized by William S. Hart Union High School District since 2007. Mission View is a non-classroom based/independent study charter school program offering personalized learning education programs.

Mission View is specifically designated as an Alternative School Accountability Model (ASAM) serving high-risk pupils and drop-outs. The State recognizes that our school’s population has an extremely high turnover rate and can serve an entirely new group of students every 12 months.

Mission View primarily serves 9th-12th grade students who are considered “highly at-risk”. The term highly at-risk encompasses students who are pregnant, significantly credit deficient, have medical problems that prevent regular attendance in a comprehensive program, and are on probation for criminal offenses. At-risk youth typically come from single-parent homes, have a low socioeconomic status, and experience a high degree of transiency in their living situations. Despite these barriers to achievement, Mission View continues to help these students succeed and graduate from high school.

Mission View serves approximately 1,900 students annually with 87% of the population eligible for free and reduced-price meals (Socioeconomically Disadvantaged). The
population includes 54% English Learner population and 19% SPED students. Many of Mission View’s students have previously dropped out of high school and enroll at Mission View with an average of 80 credits deficient.

Mission View has an English Learner Advisory Committee (ELAC) composed of parents, students, and teachers formed to address the needs of EL students. The ELAC committee has provided professional development on teaching EL students in an independent study setting, created an EL study hall, implemented EL instructional rubrics, and helped guide the allocation of educational resources towards English Learners.

Mission View students with special needs are served in accordance with their Individualized Education Programs (“IEPs,”) including but not limited to special education and related services provided by a Specialized Academic Instructor, who provides one-on-one instruction, along with accommodations and modifications. Mission View is part of the El Dorado County Charter SELPA.

Mission View’s students receive academic instruction from highly qualified (HQ) teachers in the core content areas of ELA, science, math and social studies. HQ teachers will also be provided to students in the areas of foreign language, art, and in Career Tech Education (CTE) courses.

At Mission View each course is designed for the students and reviewed with the student by a supervising teacher in both the one-on-one and small group settings. Mission View’s approach to Personalized Learning includes ample student support through individual tutorials, small group pull-out sessions, small group tutorials, career technical education pathways and courses, labs, online classes and technology based learning opportunities and tutorials.

Mission View also provides instruction to meet the educational needs of federally funded learn-and-work or learn-and-earn programs, including but not limited to the federal Workforce Investment Act pursuant to Education Code Section 47605.1(g). Mission View’s year-round program emphasizes attainment of basic skill competencies, enhancing opportunities for academic and occupational training, and providing exposure to the job market and employment. Activities may include instruction leading to completion of secondary school, tutoring, internships, job shadowing, work experience, adult mentoring and comprehensive guidance and counseling. The program emphasizes services for out-of-school youth.

The William S. Hart Union High School District has provided supervisorial oversight and performance monitoring services for the Charter School, including monitoring school and student performance data, reviewing the school’s audit reports, performing annual visits to the school facilities and resource centers, and considering charter amendment and renewal requests. The William S. Hart Union High School District affirms that at all times the Charter School has operated its resource centers consistent with the advice and written guidance issued by the California Department of Education since 2002 (see
On October 16, 2016, the 3rd District Court of Appeal ruled in AUHSD v. Shasta Secondary Home School that under Education Code section 47605(a), independent study charter schools may not have resource centers outside of the boundaries of the school district in which the charter school is authorized, but within the same county.

Currently, Mission View has multiple resource centers located within Los Angeles County that may be affected by the ruling. This waiver is necessary to protect the continued operation of Mission View’s existing resource centers where special education services, English Language Development, and intervention services are provided. Each resource center location, student demographics and specific needs are identified in “Attachment B”.

The ruling impacts approximately 1,900 students annually with 87% of the population Socioeconomically Disadvantaged, 54% English Learners and 19% SPED students. Also impacted are the 115 Mission View employees.

Mission View provides support including, but not limited to, Certificated Teachers, Special Education Teachers, Counselors, School Psychologists, Tutors, Student Relation Technicians, Student Relations Mangers, Registrars, Student Retention Support Specialists, Principals, Assistant Principals, Learning Center Coordinators, Community Liaisons, English Learner and Special Education Clerks, Administrative Assistant, Instructional Specialist Career Technical Education and an Instructional Specialist Online.

As a non-classroom based charter school, Mission View is not eligible for Proposition 39 funding so each initial build out and start up is directly funded by the charter school. In addition, each resource center lease agreement does not have a termination “out clause” allowing the schools to release them of their long term financial liability. Furthermore, despite Mission View’s high free and reduced lunch ratio, it is not eligible for rental reimbursement under SB 740 as a nonclassroom based charter school.

Mission View created these resource centers in alignment with the direction provided by the California Department of Education as provided in the letter dated November 14, 2002 from Janet Sterling, Director, School Fiscal Services Division, updating Charter School Administrators, County and District Superintendents and Chief Business Officials on recent charter legislation, including AB 1994 (see Attachment A).

The impact of the court’s ruling in Shasta may result in the closing of these resource centers impacting 1,900 highly at-risk students who are now engaged in school and on a path towards graduation, employment of 115 school employees and the inability to meet the millions of dollars in long-term leases and other financial obligations. The result may cause Mission View to become insolvent and force it to file for bankruptcy. In addition to the impact on students being displaced, staff’s loss of employment and
school closure costs, local communities and the state of California will be affected by the loss of the societal benefit of each high school dropout recovered through Mission View’s educational program. On average each high school dropout costs the state of California $209,200. 1 The dropout recovery of Mission View’s educational program has a potential savings of $397,480,000 for the state California. For many of these students Mission View’s program is their last hope of obtaining a high school diploma. 1Source: Levin, et al.

This waiver is necessary to protect the continued operation of Mission View’s existing resource centers that provide the services and resources required under Education Code Section 51746, intervention support for all students, direct instruction opportunities for all students, and also provides a location for Federally mandated special education services to allow the provision of a free appropriate public education (“FAPE”) to students who qualify under the Individuals with Disabilities in Education Act (“IDEA”), UCOP approved A-G coursework including hands on science labs with equipment and manipulatives and state mandated testing as required of charter schools pursuant to Education Code Section 47605(c).

Student Population: 1900

City Type: Urban

Public Hearing Date: 5/17/2017
Public Hearing Advertised: Notice posted at the William S. Hart Union High School District website, main office and at the school sites.

Local Board Approval Date: 5/17/2017

Community Council Reviewed By: Mission View Public Charter School
Community Council Reviewed Date: 12/1/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Mr. Mike Kuhlman
Position: Assistant Superintendent
E-mail: Mkuhlman@hartdistrict.org
Telephone: 661-259-0033 x203
Fax:

Bargaining Unit Date: 05/17/2017
Name: Hart District Teachers Association
Representative: Jayme Allsman
Title: President
Position: Neutral
Comments:
Nonclassroom-Based Charter School Resource Center Location
Attachment 12
Page 1 of 12

Authorizer: William S. Hart Union School District
Charter School: Mission View Public Charter School (a designated ASAM school)
Total Resources Centers Impacted: Four

1. For each resource center subject to the waiver request, submit the address of each center, school district in which each center is located, date each resource center was established, and the number of students attending each center.

<table>
<thead>
<tr>
<th>Resource center</th>
<th>School District(s) of location</th>
<th>Established date</th>
<th>Total staff impacted</th>
<th>Total annual students served impacted (est.)</th>
<th>Average student age</th>
<th>Average credit deficient (at time of enrollment)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>12510 Van Nuys Blvd., Pacoima, CA 91331</td>
<td>November 2010</td>
<td>17</td>
<td>340</td>
<td>18.1 years old</td>
<td>83 credits (More than one full school year behind)</td>
</tr>
</tbody>
</table>

Student demographics

<table>
<thead>
<tr>
<th>Category</th>
<th>Resource Center %</th>
<th>School District of Location %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Socio-Economically</td>
<td>86%</td>
<td>81%</td>
</tr>
<tr>
<td>Disadvantaged</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EL/RFEP</td>
<td>73%</td>
<td>51%</td>
</tr>
<tr>
<td>SPED</td>
<td>22%</td>
<td>13%</td>
</tr>
</tbody>
</table>

The resource center is an ASAM program that primarily serves 9-12 grade students who are high-risk and drop-outs. The center serves a high percentage of socioeconomically disadvantaged, EL/RFEP and SPED population when compared to the local school district demographics with the average student age of 18.1 years old. A typical student is approximately 83 credits deficient upon enrollment at the resource center. For many dropouts and potential dropouts, this program is their only opportunity to change their direction and continue their education.

2. For each resource center subject to the waiver request, discussion of the need for the waiver.

The resource center offers a non-classroom based Personalized Learning program that is tailored to the needs and interest of each student through an emphasis in 1:1 student-teacher interaction. Some students have difficulty functioning in a traditional educational setting. They feel overwhelmed by a sense of isolation from the community around them which hinders their academic and social progress. Consequently, they do not do well academically or behaviorally and they frequently act out their frustrations in ways that disrupt the educational process in the classroom and on campus. They become known as problem students. This cycle often leads to deficient self-esteem which in turn can lead to pregnancy, early parenthood, substance abuse, or commission of criminal offenses. These
students drop out of school prior to graduation because they feel unsupported and disconnected to the regular school setting. To overcome these obstacles, the resource center offers flexible, individualized instruction in conjunction with a curriculum specifically designed to better meet the needs of the individual student’s learning level. The resource center consists of a highly qualified staff who understand the needs of the centers population and offer programs designed to meet the needs of the students in the surrounding areas. Outlined below are the resource center staff positions and specialized programs offered to meet their student’s needs.

**Resource Center Instructional Support Staff**

**Full-Time**
- Certificated Teachers
- Special Education Teachers
- Counselors
- Tutors
- Student Relation Technicians
- Special Education Paraprofessionals

**Part-Time**
- School Psychologist
- Student Relations Managers
- Registrars
- Student Retention Support Specialist
- Principal
- Assistant Principal
- Learning Center Coordinator
- Community Liaison
- English Learner and Special Education Clerks
- Administrative Assistant

**Resource Center Specific Programs**
- Youth Policy Institute/ WIOA partnership
- Get Lit – Words Ignite
- Special Ed services to students with 504 and IEPs
- EL Instruction and custom curriculum
- Speech and Language services
- Free counseling
- Mental health services
- Free eye glasses
- Daily Snacks/Food
- Computer and internet access
- Job placement assistance
- Free tutoring
- Reading program
- Professional Skills
• Sports – Soccer
• Academic Exploration and NWEA MAP assessments
• Edge Program to help students improve English skills
• ELD or Edge curriculum provided based on CEDLT level and courses
• Read 180 program
• Edmentum Plato Courses
• Student Leadership

Our over age and under credited students have few options to achieve high school graduation, and disrupting their personal commitment to re-engage in school and earn a high school diploma would be a disservice to this most needy and underserved population. Stability is essential in supporting their successful trajectory towards graduation and into work or college.

For every student recovered and graduated, society benefits in increased tax contributions, decreased public health expenditures, reduced criminal activity and reduced dependency on Welfare.

In addition to the impact on students being displaced, the staff’s loss of employment will result in a $1.1 million annual loss of income affecting the local community. The resource center also has long term financial obligations of $600,000 which may impact the charter school’s overall ability to remain financially solvent. The long term financial obligations and community impact related to the resource center is approximately $1.7 million.

Due to the mid-year timing of the 3rd District’s decision, the waiver is necessary to allow the charter school the appropriate amount of time to transition the resource center to comply with the decision in order to avoid disruption to the educational program for our high-risk student population, loss of economic growth to our local communities as a result of our graduation of a predominantly drop-out population, and loss of jobs of our resource center staff and financial hardship to the charter school.

The flexibility of the waiver is critical to our students, staff and local community and sincerely appreciated.
1. For each resource center subject to the waiver request, submit the address of each center, school district in which each center is located, date each resource center was established, and the number of students attending each center.

**Resource center**

<table>
<thead>
<tr>
<th>Address</th>
<th>14355 Roscoe Blvd, Panorama City, CA 91402</th>
</tr>
</thead>
<tbody>
<tr>
<td>School District(s) of location</td>
<td>Los Angeles Unified School District</td>
</tr>
<tr>
<td>Established date</td>
<td>March 2014</td>
</tr>
<tr>
<td>Total staff impacted</td>
<td>42</td>
</tr>
<tr>
<td>Total annual students served impacted (est.)</td>
<td>750</td>
</tr>
<tr>
<td>Average student age</td>
<td>17.9 years old</td>
</tr>
<tr>
<td>Average credit deficient (at time of enrollment)</td>
<td>79 credits (More than one full school year behind)</td>
</tr>
</tbody>
</table>

**Student demographics**

<table>
<thead>
<tr>
<th>Category</th>
<th>Resource Center %</th>
<th>School District of Location %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Socio-Economically Disadvantaged</td>
<td>88%</td>
<td>81%</td>
</tr>
<tr>
<td>EL/RFEP</td>
<td>72%</td>
<td>51%</td>
</tr>
<tr>
<td>SPED</td>
<td>20%</td>
<td>13%</td>
</tr>
</tbody>
</table>

The resource center is an ASAM program that primarily serves 9-12 grade students who are high-risk and drop-outs. The center serves a high percentage of socioeconomically disadvantaged, EL/RFEP and SPED population when compared to the local school district demographics with the average student age of 17.9 years old. A typical student is approximately 79 credits deficient upon enrollment at the resource center. For many dropouts and potential dropouts, this program is their only opportunity to change their direction and continue their education.

2. For each resource center subject to the waiver request, discussion of the need for the waiver.

The resource center offers a non-classroom based Personalized Learning program that is tailored to the needs and interest of each student through an emphasis in 1:1 student-teacher interaction. Some students have difficulty functioning in a traditional educational setting. They feel overwhelmed by a sense of isolation from the community around them which hinders their academic and social progress. Consequently, they do not do well academically or behaviorally and they frequently act out their frustrations in ways that disrupt the educational process in the classroom and on campus. They become known as problem students. This cycle often leads to deficient self-esteem which in turn can lead to pregnancy, early parenthood, substance abuse, or commission of criminal offenses. These students drop out of school prior to graduation because they feel unsupported and disconnected to the regular school setting. To overcome these obstacles, the resource center offers flexible, individualized instruction in conjunction with a curriculum specifically designed to better meet the needs of the individual student’s learning level. The resource center consists of a highly qualified staff who
understand the needs of the centers population and offer programs designed to meet the needs of the students in the surrounding areas. Outlined below are the resource center staff positions and specialized programs offered to meet their student’s needs.

**Resource Center Instructional Support Staff**

**Full-Time**
- Certificated Teachers
- Special Education Teachers
- Counselors
- Tutors
- Student Relation Technicians
- Student Retention Support Specialist
- Special Education Paraprofessionals

**Part-Time**
- School Psychologist
- Student Relations Mangers
- Registrars
- Principal
- Assistant Principal
- Learning Center Coordinator
- Community Liaison
- English Learner and Special Education Clerks
- Administrative Assistant

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- Cisco Lab Career Technical Education
- Get Lit – Words Ignite
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- EL Instruction and custom curriculum
- Speech and Language services
- Free counseling
- Mental health services
- Free eye glasses
- Daily Snacks/Food
- Computer and internet access
- Job placement assistance
- Free tutoring
- Reading program
- Professional Skills
- Sports – Soccer
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• Read 180 program
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• Drama Club

Our over age and under credited students have few options to achieve high school graduation, and disrupting their personal commitment to re-engage in school and earn a high school diploma would be a disservice to this most needy and underserved population. Stability is essential in supporting their successful trajectory towards graduation and into work or college.

For every student recovered and graduated, society benefits in increased tax contributions, decreased public health expenditures, reduced criminal activity and reduced dependency on Welfare.

In addition to the impact on students being displaced, the staff’s loss of employment will result in a $2.8 million annual loss of income affecting the local community. The resource center also has long term financial obligations of $600,000 which may impact the charter school’s overall ability to remain financially solvent. The long term financial obligations and community impact related to the resource center is approximately $3.4 million.

Due to the mid-year timing of the 3rd Districts decision, the waiver is necessary to allow the charter school the appropriate amount of time to transition the resource center to comply with the decision in order to avoid disruption to the educational program for our high-risk student population, loss of economic growth to our local communities as a result of our graduation of a predominantly drop-out population, and loss of jobs of our resource center staff and financial hardship to the charter school.

The flexibility of the waiver is critical to our students, staff and local community and sincerely appreciated.
1. For each resource center subject to the waiver request, submit the address of each center, school district in which each center is located, date each resource center was established, and the number of students attending each center.

**Resource center**

<table>
<thead>
<tr>
<th>Address</th>
<th>411 S. Brand Avenue, San Fernando, CA 91340</th>
</tr>
</thead>
<tbody>
<tr>
<td>School District(s) of location</td>
<td>Los Angeles Unified School District</td>
</tr>
<tr>
<td>Established date</td>
<td>May 2015</td>
</tr>
<tr>
<td>Total staff impacted</td>
<td>15</td>
</tr>
<tr>
<td>Total annual students served impacted (est.)</td>
<td>175</td>
</tr>
<tr>
<td>Average student age</td>
<td>17.8 years old</td>
</tr>
<tr>
<td>Average credit deficient (at time of enrollment)</td>
<td>78 credits (More than one full school year behind)</td>
</tr>
</tbody>
</table>

**Student demographics**

<table>
<thead>
<tr>
<th>Category</th>
<th>Resource Center %</th>
<th>School District of Location %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Socio-Economically Disadvantaged</td>
<td>82%</td>
<td>81%</td>
</tr>
<tr>
<td>EL/RFEP</td>
<td>64%</td>
<td>51%</td>
</tr>
<tr>
<td>SPED</td>
<td>19%</td>
<td>13%</td>
</tr>
</tbody>
</table>

The resource center is an ASAM program that primarily serves 9-12 grade students who are high-risk and drop-outs. The center serves a high percentage of socioeconomically disadvantaged, EL/RFEP and SPED population when compared to the local school district demographics with the average student age of 17.8 years old. A typical student is approximately 78 credits deficient upon enrollment at the resource center. For many dropouts and potential dropouts, this program is their only opportunity to change their direction and continue their education.

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The resource center offers a non-classroom based Personalized Learning program that is tailored to the needs and interest of each student through an emphasis in 1:1 student-teacher interaction. Some students have difficulty functioning in a traditional educational setting. They feel overwhelmed by a sense of isolation from the community around them which hinders their academic and social progress. Consequently, they do not do well academically or behaviorally and they frequently act out their frustrations in ways that disrupt the educational process in the classroom and on campus. They become known as problem students. This cycle often leads to deficient self-esteem which in turn can lead to pregnancy, early parenthood, substance abuse, or commission of criminal offenses. These students drop out of school prior to graduation because they feel unsupported and disconnected to the regular school setting. To overcome these obstacles, the resource center offers flexible, individualized instruction in conjunction with a curriculum specifically designed to better meet the needs of the individual student’s learning level. The resource center consists of a highly qualified staff who
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- Mental health services
- Free eye glasses
- Daily Snacks/Food
- Computer and internet access
- Job placement assistance
- Free tutoring
- Reading program
- Professional Skills
- Sports – Soccer
- Academic Exploration and NWEA MAP assessments
- Edge Program to help students improve English skills
- ELD or Edge curriculum provided based on CEDLT level and courses
- Read 180 program
• Edmentum Plato Courses
• Student Leadership

Our over age and under credited students have few options to achieve high school graduation, and disrupting their personal commitment to re-engage in school and earn a high school diploma would be a disservice to this most needy and underserved population. Stability is essential in supporting their successful trajectory towards graduation and into work or college.

For every student recovered and graduated, society benefits in increased tax contributions, decreased public health expenditures, reduced criminal activity and reduced dependency on Welfare.

In addition to the impact on students being displaced, the staff’s loss of employment will result in a $1.0 million annual loss of income affecting the local community. The resource center also has long term financial obligations of $1.04 million which may impact the charter school’s overall ability to remain financially solvent. The long term financial obligations and community impact related to the resource center is approximately $2.04 million.

Due to the mid-year timing of the 3rd Districts decision, the waiver is necessary to allow the charter school the appropriate amount of time to transition the resource center to comply with the decision in order to avoid disruption to the educational program for our high-risk student population, loss of economic growth to our local communities as a result of our graduation of a predominantly drop-out population, and loss of jobs of our resource center staff and financial hardship to the charter school.

The flexibility of the waiver is critical to our students, staff and local community and sincerely appreciated.
1. For each resource center subject to the waiver request, submit the address of each center, school district in which each center is located, date each resource center was established, and the number of students attending each center.

**Resource center**

<table>
<thead>
<tr>
<th>Address</th>
<th>11844 Glenoaks Blvd., San Fernando, CA 91340</th>
</tr>
</thead>
<tbody>
<tr>
<td>School District(s) of location</td>
<td>Los Angeles Unified School District</td>
</tr>
<tr>
<td>Established date</td>
<td>January 2014</td>
</tr>
<tr>
<td>Total staff impacted</td>
<td>10</td>
</tr>
<tr>
<td>Total annual students served impacted (est.)</td>
<td>200</td>
</tr>
<tr>
<td>Average student age</td>
<td>19.8 years old</td>
</tr>
<tr>
<td>Average credit deficient (at time of enrollment)</td>
<td>87 credits (More than one full school year behind)</td>
</tr>
</tbody>
</table>

**Student demographics**

<table>
<thead>
<tr>
<th>Category</th>
<th>Resource Center %</th>
<th>School District of Location %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Socio-Economically Disadvantaged</td>
<td>84%</td>
<td>81%</td>
</tr>
<tr>
<td>EL/RFEP</td>
<td>68%</td>
<td>51%</td>
</tr>
<tr>
<td>SPED</td>
<td>14%</td>
<td>13%</td>
</tr>
</tbody>
</table>

The resource center is an ASAM program that primarily serves 9-12 grade students who are high-risk and drop-outs. The center serves a high percentage of socioeconomically disadvantaged, EL/RFEP and SPED population when compared to the local school district demographics with the average student age of 19.8 years old. A typical student is approximately 87 credits deficient upon enrollment at the resource center. For many dropouts and potential dropouts, this program is their only opportunity to change their direction and continue their education.

2. For each resource center subject to the waiver request, discussion of the need for the waiver.

The resource center offers a non-classroom based Personalized Learning program that is tailored to the needs and interest of each student through an emphasis in 1:1 student-teacher interaction. Some students have difficulty functioning in a traditional educational setting. They feel overwhelmed by a sense of isolation from the community around them which hinders their academic and social progress. Consequently, they do not do well academically or behaviorally and they frequently act out their frustrations in ways that disrupt the educational process in the classroom and on campus. They become known as problem students. This cycle often leads to deficient self-esteem which in turn can lead to pregnancy, early parenthood, substance abuse, or commission of criminal offenses. These students drop out of school prior to graduation because they feel unsupported and disconnected to the regular school setting. To overcome these obstacles, the resource center offers flexible,
individualized instruction in conjunction with a curriculum specifically designed to better meet the needs of the individual student’s learning level. The resource center consists of a highly qualified staff who understand the needs of the center’s population and offer programs designed to meet the needs of the students in the surrounding areas. Outlined below are the resource center staff positions and specialized programs offered to meet their student’s needs.

**Resource Center Instructional Support Staff**

**Full-Time**
- Certificated Teachers
- Special Education Teachers
- Tutors
- Student Relation Technicians
- Special Education Paraprofessionals

**Part-Time**
- Counselors
- School Psychologist
- Student Relations Managers
- Registrars
- Student Retention Support Specialist
- Principal
- Assistant Principal
- Learning Center Coordinator
- Community Liaison
- English Learner and Special Education Clerks
- Administrative Assistant

**Resource Center Specific Programs**
- Youth Policy Institute/ WIOA partnership
- Get Lit – Words Ignite
- Special Ed services to students with 504 and IEPs
- EL Instruction and custom curriculum
- Speech and Language services
- Free counseling
- Mental health services
- Free eye glasses
- Daily Snacks/Food
- Computer and internet access
- Job placement assistance
- Free tutoring
- Reading program
- Professional Skills
- Sports – Soccer
- Academic Exploration and NWEA MAP assessments
• Edge Program to help students improve English skills
• ELD or Edge curriculum provided based on CEDLT level and courses
• Read 180 program
• Edmentum Plato Courses
• Student Leadership

Our over age and under credited students have few options to achieve high school graduation, and disrupting their personal commitment to re-engage in school and earn a high school diploma would be a disservice to this most needy and underserved population. Stability is essential in supporting their successful trajectory towards graduation and into work or college.

For every student recovered and graduated, society benefits in increased tax contributions, decreased public health expenditures, reduced criminal activity and reduced dependency on Welfare.

In addition to the impact on students being displaced, the staff’s loss of employment will result in a $730,000 annual loss of income affecting the local community. The resource center also has long term financial obligations of $200,000 which may impact the charter school’s overall ability to remain financially solvent. The long term financial obligations and community impact related to the resource center is approximately $930,000.

Due to the mid-year timing of the 3rd Districts decision, the waiver is necessary to allow the charter school the appropriate amount of time to transition the resource center to comply with the decision in order to avoid disruption to the educational program for our high-risk student population, loss of economic growth to our local communities as a result of our graduation of a predominantly drop-out population, and loss of jobs of our resource center staff and financial hardship to the charter school.

The flexibility of the waiver is critical to our students, staff and local community and sincerely appreciated.
California State Board of Education
Meeting Agenda Items for July 12-13, 2017

WAIVER ITEM W-02
### General Waiver

**SUBJECT**

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

**Waiver Numbers:**
- Fort Sage Unified School District 27-4-2017
- Sacramento City Unified School District 16-4-2017
- Sweetwater Union High School District 37-5-2017
- Tulare Joint Union High School District 29-6-2017

### SUMMARY OF THE ISSUES

Four 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 charter school 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 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:**

Fort Sage Unified School District is requesting a waiver for Mt. Lassen Charter (Charter #1185), which serves a student population of 232 and is located in a rural area in Lassen County.

Sacramento City Unified School District is requesting a waiver for The MET (Charter #0586), which serves a student population of 276 and is located in an urban area in Sacramento County.

Sweetwater Union High School District is requesting a waiver for MAAC Community Charter (Charter #0303), which serves a student population of 252 and is located in an urban area in San Diego County.

Tulare Joint Union High School District is requesting a waiver for Sierra Vista Charter High (Charter #1664), which serves a student population of 111 and is located in a rural area in Tulare 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
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: Nonclassroom-Based Funding Determination Deadline (2 Pages)

Attachment 2: Fort Sage Unified School District General Waiver Request 27–4–2017 (3 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Sacramento City Unified School District General Waiver Request 16–4–2017 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Sweetwater Union High School District General Waiver Request 37–5–2017 (3 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Tulare Joint Union High School District General Waiver Request 29–6–2017 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)
<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>Local Educational Agency (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>
</table>
Recommended: July 1, 2017 to June 30, 2018 | 3/15/2017                                | Formal notices posted at each school in the district and numerous public places within the district | Charter school stakeholders 3/15/2017
No objections |
| 16-4-2017     | Sacramento City Unified School District     | The MET (0586 / 34-67439-0101907)         | 2003–04                | Requested: January 1, 2016 to June 30, 2017
Recommended: July 1, 2016 to June 30, 2017 | 4/6/2017                                | District website and publicly posted | The MET Sacramento’s School Site Council 4/4/2017
No objections |
Recommended: July 1, 2016 to June 30, 2017 | 5/22/2017                                | District website; physical community bulletin board outside of the school site | MAAC Community Charter School (MCCS) English Language Advisory Committee; MCCS Education Committee 5/19/2017
No objections |
<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>
</table>
| 29-6-2017     | Tulare Joint Union High School District    | Sierra Vista Charter High (1664 / 54-72249-0130708) | 2014–15               | **Requested:**
July 1, 2014 to June 30, 2016

**Recommended:**
July 1, 2016 to June 30, 2017 | 4/20/2017 | District office and district website | Board of Trustees 4/20/2017

No objections |

Created by California Department of Education
June 2017
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 1875036  Waiver Number: 27-4-2017  Active Year: 2017

Date In: 4/22/2017 12:01:47 PM

Local Education Agency: Fort Sage Unified School District  
Address: 100 DS Hall St.  
Herlong, CA 96113

Start: 2/1/2017  End: 2/1/2022

Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date:

Waiver Topic: Charter School Program  
Ed Code Title: Nonclassroom-Based Funding  
Ed Code Section: 5 CCR Section 11963-6  
Ed Code Authority: 33050

Ed Code or CCR to Waive: Education Code 47612.5 (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 (l) of Section 47605. For purposes of calculating average daily attendance for classroom-based instruction apportionments, at least 80 percent of the instructional time offered by the charter school shall be at the schoolsite, and the charter school shall require the attendance of all pupils for whom a classroom-based apportionment is claimed at the schoolsite for at least 80 percent of the minimum instructional time required to be offered pursuant to paragraph (1) of subdivision (a) of Section 47612.5.

Outcome Rationale: Also in Education Code 47612.5 it says in section (d) (1) Notwithstanding any other provision of law and except as provided in paragraph (1) of subdivision (e), a charter school that has an approved charter may receive funding for nonclassroom-based instruction only if a determination for funding is made pursuant to Section 47634.2 by the State Board of Education. The determination for funding shall be subject to any conditions or limitations the State Board of Education may prescribe. The State Board of Education shall adopt regulations on or before February 1, 2002, that define and establish general rules governing nonclassroom-based instruction that apply to all charter schools and to the process for determining funding of nonclassroom-based instruction by charter schools offering nonclassroom-based instruction other than the nonclassroom-based instruction allowed by paragraph (1) of subdivision (e). Nonclassroom-based instruction includes, but is not limited to, independent study, home study, work study, and distance and computer-based education. In prescribing any conditions or limitations relating to the qualifications of instructional personnel, the State Board of Education shall be guided by subdivision (l) of Section 47605.

For the Fort Sage Unified School District and Mt. Lassen Charter School, the deadline of
February 1, 2017 for submission of the California Department of Education's Nonclassroom-Based Funding Determination form was missed by the district. This was due in part recent unforeseen changes in leadership in the district which has now been corrected.

A new and inexperienced superintendent left the employment of the district in late June of 2016 causing much disruption. The district then relied on administrative oversight from a distantly located county superintendent over the summer. An interim superintendent was hired to get school started in the fall with very limited office hours during the months of August, September, and October of 2016. A new district superintendent was then hired in mid-October of 2016.

In addition to this, the district hired a new Business Manager in 2016 who was unaware of the deadline as she had not been a part of the last filing for funding determination.

The letter announcing the deadline regarding the Non-Classroom-Based Funding Determination according to the state website was sent out in October, which was in the middle of this time of change and reorganization for the district. It was apparently misfiled as the district has no record of receiving the letter. Any follow-up correspondence or e-mail reminders that may have been sent out did not reach the correct person as again, there is no record of receiving any correspondence regarding the funding determination form. There had been many changes in leadership by then. The deadline was missed.

The letter and e-mail correspondence sent in late February letting the district know that the deadline was missed was received as by that time, the district had settled and stable leadership had been restored.

The district is now looking to file a waiver as directed by the California Department of Education to be able to submit for the Nonclassroom-Based Funding Determination for Mt. Lassen Charter School.

Student Population: 232

City Type: Rural

Public Hearing Date: 3/15/2017
Public Hearing Advertised: As a small and rural school district, formal notices of the public hearing were posted at each school in the district and in numerous public places within the district (e.g. post offices).

Local Board Approval Date: 3/15/2017

Community Council Reviewed By: Charter School stakeholders reviewed this waiver.
Community Council Reviewed Date: 3/15/2017
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
California Department of Education
WAIVER SUBMISSION - General

CD Code: 3467439  Waiver Number: 16-4-2017  Active Year: 2017

Date In: 4/17/2017 4:04:13 PM

Local Education Agency: Sacramento City Unified School District
Address: 5735 47th Ave.
Sacramento, CA 95824

Start: 1/1/2016  End: 6/30/2017

Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Charter School Program
Ed Code Title: Nonclassroom-Based Funding
Ed Code Section: 5 CCR Section 11963.6
Ed Code Authority: 33050

Ed Code or CCR to Waive: (c) Any determination of funding request approved by the State Board of Education for an existing nonclassroom-based charter school from the 2006-07 fiscal year forward shall be [prospective (not for current year)], in increments of a minimum of two years and a maximum of five years in length. Beginning with the 2007-08 fiscal year, nonclassroom-based charter schools that had a funding determination in the prior year must submit a funding determination request [by February 1 of the fiscal year prior to the year the funding determination will be effective], when a new request is required under these regulations.

Outcome Rationale: Multiple staff changes at key positions so we were unaware of the funding determination and its need to be filed prospectively. The loss of funding will seriously effect The MET Sacramento's ability to offer an educational program.

Student Population: 276

City Type: Urban

Public Hearing Date: 4/6/2017
Public Hearing Advertised: District website and publicly posted

Local Board Approval Date: 4/6/2017

Community Council Reviewed By: The MET Sacramento's School Site Council
Community Council Reviewed Date: 4/4/2017
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Gloria Chung
Position: Director of Fiscal Services
E-mail: Gloria@scusd.edu

Telephone: 916-643-9405
Fax:

Bargaining Unit Date: 03/23/2017
Name: Sacramento City Teacher's Association
Representative: Hasan McWhorter
Title: Second Vice President SCTA
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768411  Waiver Number: 37-5-2017  Active Year: 2017

Date In: 5/25/2017 10:53:41 AM

Local Education Agency: Sweetwater Union High School District
Address: 1130 Fifth Ave.
Chula Vista, CA 91911

Start: 7/20/2016  End: 6/7/2017

Waiver Renewal: N  Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Charter School Program
Ed Code Title: Nonclassroom-Based Funding
Ed Code Section: California Code of Regulations, Title 5, Section 11963.6(c)
Ed Code Authority: EC 33050

Ed Code or CCR to Waive: 5 CCR 11963.6(c), any determination of funding request approved by the State Board of Education for an existing nonclassroom-based charter school from the 2006-07 fiscal year forward shall be prospective (not for the current year), in increments of a minimum of two years and a maximum of five years in length. [Beginning with the 2007-08 fiscal year, nonclassroom-based charter schools that had a funding determination in the prior year must submit a funding determination request by February 1 of the fiscal year prior to the year the funding determination will be effective.]

Outcome Rationale: This is the first year we are in need of a funding determination based on the changes in our student population to have exceeded 20% non-classroom based students. Our average enrollment for the past three years has been consistently between 270-280 students, however this year this was down between 230-250 the entire year, which pushed the non classroom based percentage above the 20%. With the CAHSEE requirement change, the number of students, and their changing needs, we find it necessary to submit for a new funding determination. We are finding an increase in the number of high trauma cases that need full wrap around services. In addition, our past director went on extended leave in early 2017, and subsequently resigned in April.

Student Population: 252

City Type: Urban

Public Hearing Date: 5/22/2017
Public Hearing Advertised: On our Website, at school site on the physical community bulletin board on the outside the school.

Local Board Approval Date: 5/22/2017
Community Council Reviewed By: MCCS ELAC, MCCS Education Committee.
Community Council Reviewed Date: 5/19/2017
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Dr. Joe Fulcher
Position: Assistant Superintendent, SUHSD
E-mail: joe.fulcher@sweetwaterschools.org

Telephone: 619-407-4920
Fax:

Bargaining Unit Date: 05/19/2017
Name: Sweetwater Education Association, CTA/NEA
Representative: Gene Chavira
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 05/19/2017
Name: California School Employees Association, Chapter
Representative: Jeff Wilderson
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 05/19/2017
Name: California School Employees Association, Chapter
Representative: Troy Johnson
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 05/19/2017
Name: California School Employees Association, Chapter
Representative: Kimberly Castillo
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 05/19/2017
Name: National Association of Government Employees, Local
Representative: Richard Morrell
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 05/19/2017
Name: SEIU, Local 221
Representative: Adela Martinez
Title: Chapter President
Position: Neutral
Comments:

Bargaining Unit Date: 05/19/2017
Name: MAAC Community Charter School SEA, CTA
Representative: Lian Shoemake
Title: Executive Director
Position: Neutral
Comments:
Nonclassroom-Based Funding Determination Deadline
Attachment 5
Page 1 of 2

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5472249            Waiver Number: 29-6-2017            Active Year: 2017

Date In: 6/19/2017 5:20:33 PM

Local Education Agency: Tulare Joint Union High School District
Address: 426 North Blackstone
Tulare, CA 93274

Start: 7/1/2016            End: 6/30/2017

Waiver Renewal: N
Previous Waiver Number:      Previous SBE Approval Date:

Waiver Topic: Charter School Program
Ed Code Title: Nonclassroom-Based Funding
Ed Code Section: 47612.5(3)(d)(1)
Ed Code Authority: Title 2, Elementary and Secondary Education

Ed Code or CCR to Waive: Notwithstanding any other provision of law and except as provided in paragraph (1) of subdivision (e), a charter school that has an approved charter may receive funding for nonclassroom-based instruction only if a determination for funding is made pursuant to Section 47634.2 by the State Board of Education. The determination for funding shall be subject to any conditions or limitations the State Board of Education may prescribe.

Outcome Rationale: The district did not file the Nonclassroom-Based FDF that was due on or before 2/1/2016 using the 2014-15 audited financial information. As this was the first year of operation, administration did not believe it was defined as an "Existing" charter school.

Student Population: 111

City Type: Rural

Public Hearing Date: 4/20/2017
Public Hearing Advertised: Agenda posted at district office and on district's website

Local Board Approval Date: 4/20/2017

Community Council Reviewed By: School site council, Board of Trustees
Community Council Reviewed Date: 4/20/2017
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Ms. Vivian Hamilton
Position: Business Manager
E-mail: vivian.hamilton@tulare.k12.ca.us

Telephone: 559-688-2021 x2001
Fax: 559-687-7317

Bargaining Unit Date: 04/20/2016
Name: California Teachers Association
Representative: David Flores
Title: President
Position: Support
Comments:
California State Board of Education

July 2017 Agenda

Specific Waiver

Subject
Request by Whittier City Elementary School District to waive portions of California Education Code sections 41376(a), (c), and (d) and/or 41378(a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers: 17-1-2017, 18-1-2017

Summary of the Issue(s)

The Whittier City Elementary School District is requesting a waiver of portions of California Education Code (EC) sections 41376(a), (c), and (d) and/or 41378(a) through (e), relating to class size penalties for kindergarten through grade three for fiscal years 2014–15 and 2015–16.

Authority for Waiver: EC 41382

Recommendation

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends the State Board of Education (SBE) approve the waiver request by the district that the class size penalties for kindergarten and/or grades one through three be waived, for the recommended period shown on Attachment 1, provided the overall average and individual class size average is not greater than the CDE recommended level shown on Attachment 1. Should the district exceed these conditions, the class size penalty will be applied per statute.

The CDE also recommends that the SBE find that the class size penalty provisions of EC sections 41376 and/or 41378 will, if not waived, prevent the district from developing more effective educational programs to improve instruction in reading and mathematics for students in the classes specified in the district’s application.
SUMMARY OF KEY ISSUES

There are two different requirements regarding kindergarten through grade three (K–3) class sizes under the Local Control Funding Formula (LCFF).

The first requirement has been in law since the mid-1960s and is the subject of this waiver. This law requires the CDE to apply a financial class size penalty to a school district’s LCFF funding if any of the following occur:

- A single kindergarten class exceeds an average enrollment of 33.
- The average enrollment of all kindergarten classes in the district exceeds 31.
- A single class in grades one through three exceeds an average enrollment of 32.
- The average enrollment of all grades one through three classes in the district exceeds 30.

School districts report their average class enrollment information to the CDE in the spring of the applicable year. If a school district does not meet the requirements, the CDE reduces the district’s final payment for the year. Generally, the penalty is equal to a loss of all funding for enrollment above 31 in kindergarten classes or 30 in grades one through three classes. *EC Section 41382* allows the SBE to waive this penalty if the associated class size requirements prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics.

The second requirement, which began in fiscal year 2013–14, is related to the K–3 grade-span adjustment (GSA) that increases the LCFF target funding for the K–3 grade span by 10.4 percent. The LCFF target represents what a school district would receive if the state had the resources to fully fund LCFF. As a condition of receiving this adjustment, school districts must meet one of the following conditions at each school site:

- If a school site’s average class enrollment in K–3 was more than 24 pupils in the prior year, make progress toward maintaining, at that school site, an average class enrollment in K–3 of not more than 24 pupils.
- If a school site’s average class enrollment in K–3 was 24 pupils or less in the prior year, maintain, at that school site, an average class enrollment in K–3 of not more than 24 pupils.
- Agree to a collectively bargained alternative to the statutory K–3 GSA requirements.

If an independent auditor finds that a school district did not meet one of the conditions, the CDE must retroactively remove the K–3 GSA from the district’s funding. The *EC Section 42238.02(d)(3)(E)* does not allow the SBE to waive the adjustment.

These two statutes operate independently. It is possible that a district could comply with the ostensibly more restrictive conditions for the K–3 GSA and be out of compliance with the K–3 class size penalty statutes for several reasons. For instance, the district could have negotiated an alternative to the K–3 GSA class size average that exceeds
the class size penalty levels. Similarly, districts could be meeting the conditions for the K–3 GSA by making progress towards achieving an average class size of 24 at a school site, but still exceed the levels that trigger a class size penalty.

In September 2014, the SBE adopted Policy #14-01, which requires districts to provide certain types of information with their waiver requests commencing with fiscal year 2014–15. The district’s waiver included the information required by the SBE’s Policy #14-01. The district was in a severe financial situation with all employees taking salary reductions and furloughs. The district states that without the waiver, the core reading and math programs will be compromised by the fiscal penalties incurred. The actual and/or estimated annual penalties, should the district not receive a waiver, is provided on Attachment 1.

The district’s average kindergarten class size on a district-wide basis for the 2014–15 fiscal year was 32 to one, with one individual kindergarten class size at 34 to one. These amounts were one student over the statutory maximum allowable average kindergarten class size on a district-wide basis of 31 to one with no individual class size exceeding 33 students. This resulted in a penalty of $10,500 in 2014–15. The district returned to the maximum statutory allowable kindergarten class sizes in 2015–16 and 2016–17, consistent with its Local Control and Accountability Plan (LCAP), and is requesting a waiver for only the 2014–15 fiscal year for kindergarten.

The district’s average class size for grades one through three on a district-wide basis was 31 to one, with individual classes of 34 students. The statutory maximum allowable average class size on a district-wide basis for grades one through three is 30 to one with no individual class size exceeding 32 students. In 2014–15, there were seven classes that exceeded the individual class size maximum and in 2015–16, there were four classes that exceeded the individual class size maximum. The district incurred a penalty of $565,543 for these years. The penalty was withheld from the district’s apportionment and will be returned if the waiver is granted. The district expects that in 2016–17, class sizes in grades one through three will return to the maximum statutory allowable sizes, consistent with its LCAP, and they do not anticipate having to request further waivers beyond the 2015–16 fiscal year.

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

Before September 2009, no class size penalty waivers had been submitted since 1999. Due to the state budget crisis and resulting significant reduction in funding, the SBE began receiving a large number of waiver requests beginning in 2009. As a result, the SBE approved all class size penalty waiver requests through fiscal year 2013–14. In September 2014, the SBE adopted a policy for the type of information districts should provide when submitting a class size penalty waiver request for fiscal years beginning with 2014–15. The policy is available at [http://www.cde.ca.gov/re/lr/wr/waiverpolicies.asp](http://www.cde.ca.gov/re/lr/wr/waiverpolicies.asp), under Class Size Penalties for Grades Kindergarten and Grades One through Three.

**Demographic Information:** Whittier City Elementary School District has a student population of 5,859 and is located in an urban section of Los Angeles County.
FISCAL ANALYSIS (AS APPROPRIATE)

See Attachment 1 for actual/estimated penalty amounts should the waiver requests be denied.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Whittier City Elementary School District Grades One Through Three Specific Waiver Request 17-1-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Whittier City Elementary School District Kindergarten Specific Waiver Request 18-1-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Information from Whittier City Elementary School District (2 pages)
## Summary Table

For Kindergarten: Overall average of 31 with no class larger than 33, pursuant to *Education Code (EC) Section 41378.*
For Grades 1-3: Overall average of 30 with no class larger than 32, pursuant to *EC Section 41376.*

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>Period of Request</th>
<th>District’s Request</th>
<th>CDE Recommended (New Maximum)</th>
<th>Bargaining Unit, Representatives Consulted, Date, and Position</th>
<th>Local Board and Public Hearing Approval</th>
<th>Penalty Without Waiver</th>
<th>Previous Waivers</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-1-2017</td>
<td>Whittier City Elementary School District</td>
<td><strong>Requested:</strong> August 11, 2014 to June 5, 2015</td>
<td>For K: Overall average 32; no class larger than 34</td>
<td>For K: Overall average 32; no class larger than 34</td>
<td>Whittier Elementary Teachers Association, Marjean Rosen President 12/14/2016 Neutral</td>
<td>Local Board Approval: 1/10/17</td>
<td>$10,500</td>
<td>Yes: FY 2010–11, FY 2011–12</td>
</tr>
</tbody>
</table>

Created by California Department of Education
February 7, 2017
Ed Code or CCR to Waive: EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. Items (a) and © from the preceding section have strike-outs which indicate the exact language being waived and is still valid.

Outcome Rationale: The Whittier City School District was in the most severe financial situation imaginable as a result of the Great Recession that started in 2007-08. Our District was the first in the state to take both a reduction in salary and furlough days for all employees. We have finally come out of this very difficult situation and all classes in 2016-17 have a very good ratio. In 2014-15 there were seven classes that exceeded the class size and in 2015-16 there were only four classes that exceeded the class size requirement. We have made steady improvements every year as we have become stable under the new funding formula and the implementation of the LCAP accountability. We do not foresee having to go down this road with larger class sizes as a result of the improvements that we have made in our oversight and additional funding from the state.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of
Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see EC 41382) A potential penalty of $530250 could be incurred by the district without this waiver.

Student Population: 5859

City Type: Urban

Local Board Approval Date: 1/10/2017

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Jon E. McNeil
Position: Assistant Superintendent Business
E-mail: jmcneil@whittiercity.net
Telephone: 562-789-3045
Fax:

Bargaining Unit Date: 12/14/2016
Name: Whittier Elementary Teachers Association
Representative: Marjean Rosen
Title: President
Position: Neutral
Comments:
CD Code: 1965110  Waiver Number: 18-1-2017  Active Year: 2017

Date In: 1/18/2017 3:58:15 PM

Local Education Agency: Whittier City Elementary
Address: 7211 South Whittier Ave.
Whittier, CA 90602


Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Kindergarten
Ed Code Section: portions of 41378 (a) through (e)
Ed Code Authority: 41382

Ed Code or CCR to Waive: EC 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. Items (a) through (d) from the preceding section have strike-outs which indicate the exact language being waived and is still valid.

Outcome Rationale: The Whittier City School District was in the most sever financial situation imaginable as a result of the Great Recession that started in 2007-08 and our District was the first in the state to take both a reduction is salary and furlough days for all employees. We have finally come out of this very difficult situation and all classes in 2016-17 have a very good ratio. Our waiver for kindergarten is to recover the cost of only one (1) student from two years ago, 2014-15.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see EC 41382) A potential penalty of $10500 could be incurred by the district without this waiver.

Student Population: 5859

City Type: Urban

Local Board Approval Date: 1/10/2017

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Jon E McNeil
Position: Assistant Superintendent Business
E-mail: jmceal@whittiercity.net
Telephone: 562-789-3045
Fax:

Bargaining Unit Date: 12/14/2016
Name: Whittier Elementary Teachers Association
Representative: Marjean Rosen
Title: President
Position: Neutral
Comments:
A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see EC 41382) The district without this waiver could incur a potential penalty of $576,043.

1. Discussion of the extraordinary or atypical circumstances that prevent the school district from meeting the class size thresholds. If the reasons are financial, the district should explain why LCFF funds couldn’t be used to reduce class sizes.

The District started both 2014-15 and 2015-16 years staffed at an improved ratio as a result of receiving additional LCFF funding. The staffing was established using demographic information from Davis Demographics Company that forecast a drop of enrollment of about 100 students each year. We proceeded to staff for a drop of 70 students with the expectation that this would improve our student teacher ratio. The pattern in our District for enrollment has been that we start at the beginning of the year with a larger group of students and after the Winter Break many students do not return to Whittier City School District. Also, we have always lost a significant number of students during the year to the surrounding districts as a result of transfers based on legal qualifications. We continued to improve our staffing ratios and improving the quality of the educational programs as the LCFF money came to our District. These improvements changed the enrollment pattern in the District. The District became a destination district and began to draw students in rather than having students fly out.

During these two years the accountability for enrollment was changed from the Business Department to the Curriculum and Instruction Department so that they could be more effective in the use of student data to improve student academic success. The new team that was accountable for this process was focused on test scores and not on compliance. We were caught off guard when our enrollment did not decline. No one expected this to happen and we were not tracking this increase. The good news is that our improved programs were now attracting students and the bad news is that we did not make the appropriate classroom adjustments based on enrollments to meet the letter of the law.

The tracking issue has been remediated by assigning an accounting technician in the Accounting Department to work with the C&I Department data clerk on the compliance part of enrollment. There will be monthly meetings that include the Director, Assistant Director and the tech in the Accounting Department to evaluate the enrollment loads in all classes in the District. This arrangement will continue to help the District focus on test scores while staying compliant with Education Code.

The total cost to the District is $576,043 and this is a substantial amount of money to a district of our size and especially considering the profile of our student population. Whittier City School District has enrolled student that are 80% free/reduced lunch plus 5% English Language Learners for a total of 85% students at need for additional support for their learning.

2. Demonstration that the increased class size is consistent with the school district’s goals and actions in its Local Control and Accountability Plan (LCAP).

We are currently at the appropriate class size ratio that has improved our student / teacher ratio.
3. Explanation of how the district is addressing the educational needs of pupils to mitigate potential consequences of increased class sizes.

We do not expect to experience enlarged classes because we will be managing the enrollment in all classes. There is now a new evaluation of the pattern of enrollment.

4. Remediation plan that describes how and when the district will return to the statutory levels.

The District has already returned to a statutory level for 2016-17.

5. Statement by the district that the class size provisions prevents the development of more effective educational programs to improve instruction in reading and mathematics.

The District does not believe that larger class size improves instruction and is committed to smaller class sizes. The potential penalty of $576,043 is a substantial amount of money to a district of our size and especially considering the profile of our student population.

6. An estimate of the financial impact if the class size penalty was assessed by the CDE.

The class size penalty for Kindergarten for 2014-15 is potentially $10,500. The class size penalty for grades one through three for 2014-15 is $360,623 and for 2015-16 is $204,920.

7. The requested new overall class size averages.

The class size that is requested is an average of 31 with no class larger than 34 for grades one through three and an average of 32 with no class size larger than 34 for kindergarten.

8. The position of the exclusive representative of employees, if any, as provided in Chapter 10.7 of Division 4 of Title 1 of the Government Code. If the representative is opposed, include a written summary of any objections to the request.

The representatives of employees took a neutral position on this waiver. There was no descent from the leadership or the membership of the union.
California State Board of Education
Meeting Agenda Items for July 12-13, 2017

WAIVER ITEM W-04
General Waiver

SUBJECT
Request by two school districts to waive California Education Code Section 48916.1(d), and to waive portions of California Education Code Section 48660, to permit a community day school to serve students in grades six through twelve.


SUMMARY OF THE ISSUES

Request by Kelseyville Unified School District (KUSD) for a waiver for California Education Code (EC) Section 48916.1(d) and portions of EC Section 48660, to permit its community day school (CDS) to serve students in grade six with students in grades seven through twelve.

EC Section 33051(b) will apply and the district will not need to reapply if the information contained on the request remains current.

Request by Reef-Sunset Unified School District (RSUSD) for an initial waiver of EC Section 48660 to permit the Reef-Sunset CDS to serve students in grade six with students in grades seven through twelve.

Authority for Waiver: EC Section 33050

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends approval of the waiver requests for these two CDSs, with the individual conditions and period of approval noted in Attachment 1.

SUMMARY OF KEY ISSUES

EC Section 48660 provides that the governing board of a school district may establish one or more CDSs. EC Section 48660 also provides that a CDS may serve pupils in a CDS in any of kindergarten and grades one to six, inclusive, or any of grades seven to twelve, inclusive, or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the district. EC Section
48916.1(d) provides for the allowable grade spans of educational services for expelled students.

The KUSD is a small rural district of 1,694 students. The district serves general education students in schools in a middle school configuration of grades six through eight, and a high school configuration of grades nine through twelve. For the past 14 years, in accordance with the CDS statutory limitations, the district has provided a CDS program for students in only grades seven through twelve. This means that middle grade students in the sixth grade were not able to be served in the CDS.

There are currently six students enrolled in the CDS. The district does not expect more than a small number of sixth grade students would be enrolled in the CDS. It is not fiscally feasible to operate two CDSs, one for students in grade six, and a second for grades seven and above. At the same time, the KUSD recognizes its responsibility to ensure that educational placements are available for expelled and other high-risk students. Even with the expanded grade span, the district does not anticipate having more than 10 CDS students at a time, allowing for careful supervision and individualization of instruction. In order to ensure that students receive adequate academic support despite the wider span of grades, the KUSD has committed to provide grade-level-appropriate mentor teacher support to CDS teachers who are teaching beyond their normal grade spans.

The local governing board, the local bargaining unit, and the CDS Parent Advisory Committee each voted unanimously to support the waiver request.

The RSUSD is a small rural district of 2,650 students. For the past 18 years, in accordance with the CDS statutory limitations, the district has operated two CDSs. The primary CDS served students in grades one through six, while the secondary CDS served students in grades seven through twelve. Due to low attendance numbers, the district closed the primary CDS last year. The district serves general education students in schools in a middle school configuration of grades six through eight, and a high school configuration of grades nine through twelve. With this waiver request, the district seeks to be able to serve all middle and high school students in need of a CDS, including the middle grade students in the sixth grade who are currently not able to enroll in the secondary CDS.

There are currently six students enrolled in the CDS. The district does not expect more than a small number of sixth grade students would be enrolled in the CDS. It is not fiscally feasible to operate two CDSs, one for students in grade one through six, and a second for grades seven and above. At the same time, the RSUSD recognizes its responsibility to ensure that educational placements are available for expelled and other high-risk students. Even with the expanded grade span, the district does not anticipate having more than 10 CDS students at a time, allowing for careful supervision and individualization of instruction. In order to ensure that students receive adequate academic support despite the wider span of grades, the RSUSD has committed to provide grade-level-appropriate mentor teacher support to CDS teachers who are teaching beyond their normal grade spans.

The local governing board and both local bargaining units support the waiver request.
The RSUSD’s Alternative Education Advisory Committee also reviewed the waiver request and had no objections.

Based on the strong history of successful operation of the CDSs, the provision of mentor teacher support as needed, and the unanimous local approval, the CDE supports the requests for waivers from the KUSD and the RSUSD.

**Demographic Information:**

Kelseyville Unified School District has a population of 1,694 students and is located in a rural area in Lake County.

Reef-Sunset Unified School District has a population of 2,650 students and is located in a rural area in Kings County.

**Because these are general waivers, if the State Board of Education (SBE) decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), at [http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051).**

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

The SBE has approved several previous waiver requests to expand the allowable grade span for a CDS to best serve its students when it was not feasible for the district to operate two separate schools.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval.

**ATTACHMENT(S)**

Attachment 1: Summary Table of Community Day School State Board of Education Waiver (1 page)

Attachment 2: Kelseyville Unified School District General Waiver Request 36-2-2017 (3 pages) (Original Waiver request is signed and on file in the Waiver Office.)

Attachment 3: Reef-Sunset Unified School District General Waiver Request 29-4-2017 (2 pages) (Original Waiver request is signed and on file in the Waiver Office.)
## Summary Table of Community Day School State Board of Education Waiver

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District Name, Size of District, and Approval Date</th>
<th>Grade Span Requested (if waiver of California Education Code [EC] sections 48660 and 48916.1[d])</th>
<th>Type(s) of School(s) with which CDS will be Collocated (if waiver of EC Section 48661[a])</th>
<th>Period of Request</th>
<th>Renewal Waiver?</th>
<th>If granted, this waiver will be &quot;permanent&quot; per EC Section 33501(b)</th>
<th>Certificated Bargaining Unit Name and Representative, Date of Action, and Position</th>
<th>Advisory Committee/School Site Council Name, Date of Review and any Objections</th>
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<td></td>
<td>1,694 Total Students 6 Students in Community Day School (CDS) February 21, 2017</td>
<td></td>
<td></td>
<td>Recommended: April 1, 2017 through June 30, 2019</td>
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</table>

**Conditions:** This waiver provides for the CDS operated by the KUSD to serve students in grades six through twelve, but no lower grades.

| 29-4-2017     | Reef-Sunset Unified School District (RSUSD)      | N/A                                                             | N/A                                                                               | Requested: August 1, 2017 through July 31, 2018                           | NO             | NO                                                                  | West Kings County Teachers Association Joe Santino, President February 28, 2017 Support | Alternative Education Advisory Committee February 28, 2017 No Objections Support |
|               | 1,694 Total Students 6 Students in CDS March 16, 2017 |                                                                   |                                                                                   | Recommended: August 1, 2017 through July 31, 2018                      |                |                                                      |                                                                                     |                                                                                     |
|               |                                                 |                                                                 |                                                                                   | NO                           | NO             |                                                      |                                                                                     |                                                                                     |
|               |                                                 |                                                                 |                                                                                   |                              |                |                                                      |                                                                                     |                                                                                     |

**Conditions:** This waiver provides for the CDS operated by the Reef-Sunset USD to serve students in grades six through twelve, but no lower grades. The waiver will be for one year as requested by the district.

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Created by California Department of Education
May 10, 2017
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1764014  Waiver Number: 36-2-2017  Active Year: 2017

Date In: 2/28/2017 10:27:04 AM

Local Education Agency: Kelseyville Unified
Address: 4410 Konocti Rd.
Kelseyville, CA 95451

Start: 4/1/2017  End: 6/30/2019

Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Community Day Schools (CDS)
Ed Code Title: Commingle Grade Levels
Ed Code Section: 48916.1(d) and portions of Section 48660
Ed Code Authority: 33050

Ed Code or CCR to Waive: Waiver of Ed Codes:
48660. The governing board of a school district may establish one or more community day schools for pupils who meet one or more of the conditions described in subdivision (b) of Section 48662. A community day school may serve pupils in any of kindergarten and grades 1 [to 6, inclusive, or any of grades 7] to 12, inclusive or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the district. If the school district is organized as a district that serves kindergarten and grades 1 to 8, inclusive, but no higher grades, the governing board of the school district may establish a community day school for any of kindergarten and grades 1 to 8, inclusive, upon a two-thirds vote of the board. It is the intent of the Legislature, that to the extent possible, the governing board of a school district operating a community day school for any of kindergarten and grades 1 to 8, inclusive, separate younger pupils from older pupils within the community day school. Except as provided in Section 47634, a charter school may not receive funding as a community day school unless it meets all the conditions of apportionment set forth in this article.
48816.1 (d) [If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades 1 to 6, inclusive, the educational program provided pursuant to subdivision (b) shall not be combined or merged with educational programs offered to pupils in any of grades 7-12, inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district. This subdivision, as it relates to the separation of pupils by grade levels, does not apply to community day schools offering instruction in any of kindergarten and grades 1 to 8, inclusive, and established in accordance with Section 48660.]

Outcome Rationale:
Kelseyville Unified School District (KUSD) is a small, rural school district that provides educational services for 1,694 students in grades K-12. Our Community Day School program has been in existence since February 2002. Over the past fourteen years, we have provided a CDS educational program for students in grades 7-12. We currently have six students
attending our CDS program (two 9th grade students, one 10th grade student, two 11th grade students, and one 12th grade student).

Kelseyville Unified School District requests that our CDS program grade levels be modified from serving grades 7-12 to a new configuration which will serve grades 6-12. This configuration will align with our current middle school configuration (6-8) and high school configuration (9-12). KUSD does not currently provide any alternative programs for students in grade 6 who are mandatory or other expelled to attend.

The district will limit the number of students in the community day program to no more than ten, enabling the CDS teacher to individualize instruction to meet each students’ learning needs. Additionally, the district will provide a middle school mentor teacher to support the CDS teacher in implementation of middle school curriculum. In our current program, we separate middle school students from high school students in the classroom, and this practice will be continued with the inclusion of 6th grade students in the program. Because the actual number of students and their grade levels change within each school year and between school years, it is not economically feasible for the district to provide two separate CDS programs (grades K-6, grades 7-12). Over the past several years, we have had no major incidents with physical violence, weapons or drugs in our CDS program.

KUSD has executed a memorandum of understanding with Lake County Office of Education (LCOE). LCOE’s Court and Community School program serves as an alternative educational option of “last resort” for KUSD district-expelled students in grades nine (9) through twelve (12). In addition, probation-referred students, and School Attendance Review Board students residing within the geographical boundaries of KUSD have utilized this program.

The district met with the Kelseyville Community Day School Parent Advisory Committee on January 25, 2017. The committee approved by 4:0 the district’s proposal to include 6th grade students in the CDS program. The district also met with certificated staff representatives on November 17, 2016, and the union voiced support for the district’s proposal to include 6th grade students in the CDS program.

The Kelseyville Unified School District Board of Trustees met on February 21, 2017, to hold a public hearing and receive input into the waiver request, and the Board of Trustees approved the waiver on a vote of 5:0.

Kelseyville Unified School District is seeking a waiver to EC 48660 and EC 48916.1 (d) to allow for the grade structure at Kelseyville Community Day School to serve students in grades 6-12.

Student Population: 10

City Type: Rural

Public Hearing Date: 2/21/2017
Public Hearing Advertised: posted on district website, on district information board, at all district school sites, and on public bulletin board at Kelseyville Pharmacy

Local Board Approval Date: 2/21/2017

Community Council Reviewed By: Kelseyville Community Day School Parent Advisory Committee
Community Council Reviewed Date: 1/25/2017
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Tim Gill
Position: Director, Student Support Services
E-mail: tgill@kvusd.org
Telephone: 707-279-1511
Fax: 707-279-9221

Bargaining Unit Date: 11/17/2016
Name: Kelseyville Unified Teacher's Association
Representative: Laurie Loumena, Diana Bailey, Jane Kies
Title: Co-Presidents
Position: Support
Comments
(a) The governing board of a school district may establish one or more community day schools for pupils who meet one or more of the conditions described in subdivision (b) of Section 48662. A community day school may serve pupils in any of kindergarten and grades 1 to 6, inclusive, or any of grades 7 to 12, inclusive, or the same or lesser included range of grades as may be found in an individual middle or junior high school operated by the school district. If a school district is organized as a school district that serves kindergarten and grades 1 to 8, inclusive, but no higher grades, the governing board of the school district may establish a community day school for any kindergarten and grades 1 to 8, inclusive, upon a two-thirds vote of the governing board of the school district. It is the intent of the Legislature, that to the extent possible, the governing board of a school district operating a community day school for any of kindergarten and grades 1 to 8, inclusive, separate younger pupils from older pupils within that community day school.

Outcome Rationale: We closed our Primary CDS (grades K-6) last year due to low numbers. We run a middle school model with grades 6-8 attending our middle school. We would like to allow 6th grade expelled students to attend our Secondary CDS with our expelled 7-12 graders. The Reef-Sunset USD does not expect more than 10 students to be enrolled in the CDS, which means it is not fiscally feasible to operate two CDSs, one for students up to grade six, and a second for grades seven through ten, as the district runs a Middle School Model (grades 6-8) at their district middle school. At the same time, they recognize their responsibility to ensure that educational placements are available for expelled and other high-risk students. The district notes that the full requested span of grades six through twelve is broader than the six grade level span (grades seven through twelve) allowable under current law.

The district recognizes that the curriculum content for sixth through twelfth grade in a single classroom is a content stretch. In order to ensure that students receive adequate academic support despite the wider span of grades, the Reef-Sunset USD has committed to provide
grade-level-appropriate mentor teacher support to CDS teachers who feel they need support in any content area. In addition, there will be at least one full time aide assigned to CDS to assist in this, and keeping the student to adult ratio low.

Student Population: 2650

City Type: Rural

Public Hearing Date: 3/16/2017
Public Hearing Advertised: ad in local paper, notification sent to each school site and city office from district office

Local Board Approval Date: 3/16/2017

Community Council Reviewed By: Alt. Ed Advisory Committee
Community Council Reviewed Date: 2/28/2017
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Micky Yocum
Position: Director of Student Services
E-mail: myocum@rsusd.org
Telephone: 559-386-9083 x1001
Fax: 559-386-5303

Bargaining Unit Date: 03/01/2017
Name: CSEA Kettleman Hills #332
Representative: Tammy Ware
Title: President
Position: Support
Comments:

Bargaining Unit Date: 02/28/2017
Name: Wesy Kings County Teachers Association
Representative: Joe Santino
Title: President
Position: Support
Comments:
WAIVER ITEM W-05
CALIFORNIA STATE BOARD OF EDUCATION
JULY 2017 AGENDA

General Waiver

SUBJECT
Request by two 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:
- Oakley Union Elementary School District 1-5-2017
- Sacramento City Unified School District 26-3-2017

SUMMARY OF THE ISSUES

Oakley Union Elementary School District (OUESD) and Sacramento City Unified School District (SCUSD) seek waivers of the California Education Code (EC) Section 37202(a), equity length of time requirement for kindergarten and transitional kindergarten (TK).

Authority for Waiver: Education Code (EC) Section 33050

RECOMMENDATION

Approval with conditions

The California Department of Education recommends approval of the waivers with conditions. The OUESD and SCUSD will provide information to OUESD and SCUSD families by September 14, 2017, 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 OUESD and SCUSD 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 OUESD and SCUSD currently offer extended-day (full day) kindergarten programs which exceed the maximum four-hour...
school day (EC 46111[a]). The OUESD and SCUSD 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 OUESD and SCUSD 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.

OEUSD and SCUSD are both requesting a retroactive waiver for the 2016-17 school year. Assembly Bill 99, Chapter 15, Statutes of 2017, amended EC 37202 to authorize districts to maintain a kindergarten or TK program for different lengths of time at the same or different school site. This bill was signed by the Governor on June 27, 2017 and is an urgency statute that takes effect immediately. Therefore, districts will no longer need to seek a waiver of this provision for the 2017-18 school year and beyond.

Demographic Information:

OUESD has a student population of 5,114, and is located in a suburban area in Contra Costa County.

SCUSD has a student population of 43,034, and is located in an urban area in Sacramento 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 (1 page).

Attachment 2: OUESD General Waiver Request 1-5-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: SCUSD General Waiver Request 26-3-2017 (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>
| 1-5-2017      | Oakley Union Elementary School District | **Requested:** January 1, 2017 to January 1, 2019  
**Recommended:** January 1, 2017 to June 30, 2017 | California School Employees Association, Dian Brennan-Mayor President 3/15/2017  
Support  
Oakley Union Teachers Association, Tobi Benz President 3/15/2017  
Support  
Public Employees Union, Local One, Jerry Schwartz President 3/16/2017  
Support | April 5, 2017 | The public hearing notice was published in the East County Times and was posted at each schoolsite, the district office, the Oakley Public Library, and Oakley City Hall. | Schoolsite Councils at each of the district’s eight schools  
March 15, 2017  
No Objection |
| 26-3-2017     | Sacramento City Unified School District | **Requested:** September 1, 2016 to August 31, 2018  
**Recommended:** September 1, 2016 to June 30, 2017 | Sacramento City Teachers Association, John Borsos Executive Director 2/21/2017  
Support | March 16, 2017 | The public hearing notice was posted at the district office and three public places. | Schoolsite Council  
January 9, 2017  
No Objection |
Ed Code or CCR to Waive: The Oakley Union Elementary School District desires to waive the following sections and portions of the Education Code lined out below:

37202(a) Except if a school has been closed by order of a city or a county board of health, or of the State Board of Health, on account of contagious disease, or if the school has been closed on account of fire, flood, or other public disaster, the governing board of a school district shall maintain all of the elementary day schools established by it for an equal length of time during the school year and all of the day high schools established by it for an equal length of time during the school year.

(b) Notwithstanding subdivision (a), a school district that is implementing an early primary program, pursuant to Chapter 8 (commencing with Section 8970) of Part 6, may maintain kindergarten classes at different school sites within the district for different lengths of time during the school day.

Outcome Rationale: The Oakley Union Elementary School District 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 different lengths of the school day. The District transitional kindergarten program consists of 230 instructional minutes per day. The District kindergarten program consists of 300 instructional minutes per day for days a week, and one day a week they receive 240 instructional minutes. The District was unaware that it was required to obtain a waiver to provide programs of differing lengths. Therefore, the District is requesting both a retroactive and future waiver. The District’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.
The District feels that requiring its TK students to attend school for an extended day would not be in their best educational interest.

Student Population: 5114

City Type: Suburban

Public Hearing Date: 4/5/2017
Public Hearing Advertised: Posted at each school site plus three additional public places within the District (Oakley Public Library, Oakley City Hall and District Office) and published in East County Times on 3/22/17

Local Board Approval Date: 4/5/2017

Community Council Reviewed By: All eight school site councils reviewed the waiver.
Community Council Reviewed Date: 3/15/2017
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Heather Partida
Position: Executive Assistant to the Superintendent
E-mail: hpartida@ouesd.k12.ca.us
Telephone: 925-625-5050
Fax: 925-625-1863

Bargaining Unit Date: 03/15/2017
Name: California School Employees Association
Representative: Dian Brennan-Mayor
Title: President
Position: Support
Comments:

Bargaining Unit Date: 03/15/2017
Name: Oakley Union Teachers Association
Representative: Tobi Benz
Title: President
Position: Support
Comments:

Bargaining Unit Date: 03/16/2017
Name: Public Employees Union, Local One
Representative: Jerry Schwartz
Title: President
Position: Support
Ed Code or CCR to Waive: 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 8790) 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 Sacramento City Unified School District is requesting that its Early Kinder /transitional kindergarten day be shorter than the length of our extended kindergarten day at the Tahoe and Washington Elementary school site locations. We believe it is in the best interest of the Early Kinder students to have a shorter school day and we are requesting to continue implementing a high quality program that provides a modified instructional day, modified curricula, with developmentally appropriate instructional practices as needed at the afore mentioned school site locations.

Student Population: 43034

City Type: Urban

Public Hearing Date: 3/16/2017
Public Hearing Advertised: The requested waiver was advertized and posted at the district office and three public places 72 hours prior to the 03/16/17 school board meeting.

Local Board Approval Date: 3/16/2017
Community Council Reviewed By: School Site Council meetings at the school site reviewed and approved the requested waiver
Community Council Reviewed Date: 1/9/2017
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Dr. Iris Taylor
Position: Chief Academic Officer
E-mail: Iris-Taylor@scusd.edu
Telephone: 916-643-9086
Fax:

Bargaining Unit Date: 02/21/2017
Name: Sacramento City Teachers Association
Representative: John Borsos
Title: Executive Director
Position: Support
Comments:
Federal Waiver

SUBJECT

Request by 11 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:
- Biggs Unified School District Fed-5-2017
- Bret Harte Union High School District Fed-4-2017
- Fort Bragg Unified School District Fed-6-2017
- Gridley Unified School District Fed-1-2017
- Kelseyville Unified School District Fed-8-2017
- Laton Joint Unified School District Fed-7-2017
- Mountain Valley Unified School District Fed-10-2017
- Pierce Joint Unified School District Fed-11-2017
- Plumas Unified School District Fed-12-2017
- Siskiyou Union High School District Fed-9-2017

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, or is a public charter school operating secondary vocational and technical education programs, and is unable to join a consortium, 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 296 to 3,373. 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:

Biggs Unified School District has a student population of 542 and is located in a Rural: Distant (42) area in Butte County.

Bret Harte Union High School District has a student population of 723 and is located in a Town: Distant (32) area in Calaveras County.

Cabrillo Unified School District has a student population of 3,373 and is located in a Town: Fringe (31) area in San Mateo County.

Fort Bragg Unified School District has a student population of 1,873 and is located in a Town: Remote (33) area in Mendocino County.

Gridley Unified School District has a student population of 2,051 and is located in a Town: Distant (32) area in Butte County.
Kelseyville Unified School District has a student population of 1,681 and is located in a Town: Distant (32) area in Lake County.

Laton Joint Unified School District has a student population of 704 and is located in a Rural: Fringe (41) area in Fresno County.

Mountain Valley Unified School District has a student population of 296 and is located in a Rural: Remote (43) area in Trinity County.

Pierce Joint Unified School District has a student population of 1,443 and is located in a Town: Distant (32) area in Colusa County.

Plumas Unified School District has a student population of 2,130 and is located in a Rural: Fringe (41) area in Plumas County.

Siskiyou Union High School District has a student population of 579 and is located in a Rural: Fringe (41) area in Siskiyou 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: Biggs Unified School District Federal Waiver Request Fed-5-2017 for Biggs High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Bret Harte Union High School District Federal Waiver Request Fed-4-2017 for Bret Harte Union High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Cabrillo Unified School District Federal Waiver Request Fed-2-2017 for Half Moon Bay High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Fort Bragg Unified School District Federal Waiver Request Fed-6-2017 for Fort Bragg High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 6: Gridley Unified School District Federal Waiver Request Fed-1-2017 for Gridley High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Kelseyville Unified School District Federal Waiver Request Fed-8-2017 for Kelseyville High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Laton Joint Unified School District Federal Waiver Request Fed-7-2017 for Laton High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Mountain Valley Unified School District Federal Waiver Request Fed-10-2017 for Hayfork High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: Pierce Joint Unified School District Federal Waiver Request Fed-11-2017 for Pierce High School (2 pages) (Original waiver request is signed and on filed in the Waiver Office.)

Attachment 11: Plumas Unified School District Federal Waiver Request Fed-12-2017 for Multiple High Schools (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 12: Siskiyou Union High School District Federal Waiver Request Fed-9-2017 for Multiple High Schools (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-5-2017</td>
<td>Biggs Unified School District for Biggs High School</td>
<td>Requested: July 1, 2017, to June 30, 2021</td>
<td>April 5, 2017</td>
<td>42</td>
<td>Student population of 542 located in Butte County</td>
<td>$6,260.00</td>
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<td>Recommended: July 1, 2017, to June 30, 2021</td>
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<td>Fed-6-2017</td>
<td>Fort Bragg Unified School District for Fort Bragg High School</td>
<td>Requested: July 1, 2017, to June 30, 2021</td>
<td>April 6, 2017</td>
<td>33</td>
<td>Student population of 1,873 located in Mendocino County</td>
<td>$14,904.00</td>
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Created by California Department of Education
May 12, 2017
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<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>
</tr>
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<tbody>
<tr>
<td>Fed-7-2017</td>
<td>Laton Joint Unified School District for Laton High School</td>
<td>Requested: July 1, 2017, to June 30, 2021</td>
<td>April 5, 2017</td>
<td>41</td>
<td>Student population of 704 located in Fresno County</td>
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<tr>
<td>Fed-11-2017</td>
<td>Pierce Joint Unified School District for Pierce High School</td>
<td>Requested: July 1, 2017, to June 30, 2021</td>
<td>April 20, 2017</td>
<td>32</td>
<td>Student population of 1,443 located in Colusa County</td>
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<td>Fed-12-2017</td>
<td>Plumas Unified School District for multiple high schools</td>
<td>Requested: July 1, 2017, to June 30, 2021</td>
<td>April 19, 2017</td>
<td>41</td>
<td>Student population of 2,130 located in Plumas County</td>
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Created by California Department of Education
May 12, 2017
California Department of Education
WAIVER SUBMISSION - Federal

CD Code: 0461408  Waiver Number: Fed-5-2017  Active Year: 2017

Date In: 4/6/2017 5:34:52 PM

Local Education Agency: Biggs Unified School District
Address: 300 B St.
Biggs, CA 95917

Start: 7/1/2017  End: 6/30/2021

Waiver Renewal: Y
Previous Waiver Number: Fed-9-2013-W-01  Previous SBE Approval Date: 11/7/2013

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: Federal Code Section to be waived: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(d)(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(d)(1) 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; and (b) demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

Biggs Unified is in a rural, sparsely populated area and has not been part of a consortium since 2009. This is a renewal request.

Student Population: 621
City Type: Rural
NCES Code: 43

Local Board Approval Date: 4/5/2017

Submitted by: Ms. PAMELA RAGAN
Position: FINANCIAL OFFICER
E-mail: pragan@biggs.org
Telephone: 530-868-1281 x252
Fax: 530-868-1615

Revised: 7/6/2017 2:21 PM
CD Code: 0561556  Waiver Number: Fed-4-2017  Active Year: 2017

Date In: 4/4/2017 8:10:07 AM

Local Education Agency: Bret Harte Union High
Address: 323 South Main St.
Angels Camp, CA 95221

Start: 7/1/2017  End: 6/30/2021

Waiver Renewal: Y  Previous Waiver Number: Fed-3-2013-W-01  Previous SBE Approval Date: 9/4/2013

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 Career and Technical Education Improvement Act of 2006 (Public Law 109-270)

Outcome Rationale: Our district is in a very rural area. The closest consortium would be over an hour away so we request this waiver to more efficiently manage the needs of our small community.

Student Population: 696

City Type: Rural

NCES Code: 41

Local Board Approval Date: 4/3/2017

Submitted by: Ms. Gloria Carrillo
Position: Chief Business Official
E-mail: gcarrillo@bhuhsd.k12.ca.us
Telephone: 209-736-8319
Fax: 209-736-8367
California Department of Education
WAIVER SUBMISSION - Federal

CD Code: 4168890 Waiver Number: Fed-2-2017 Active Year: 2017

Date In: 3/27/2017 4:52:02 PM

Local Education Agency: Cabrillo Unified School District
Address: 498 Kelly Ave.
Half Moon Bay, CA 94019

Start: 7/1/2017 End: 6/30/2021

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: 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: While we are expanding our CTE pathways next year to include two new pathways we may still fall under $15,000 worth of Perkins allocated dollars and need to submit a waiver in order to continue to qualify. We want to ensure we can still bring CTE programs and funding to our students even though we are a small site and funds are being decreased.

The waiver is to ensure we can still bring up to date technologies and programmatic expansion of our CTE pathways to our students district wide.

Student Population: 1003
City Type: Rural
NCES Code: 31

Local Board Approval Date: 3/9/2017

Submitted by: Ms. Tiffany Zammit
Position: Assistant Principal of Curriculum & Instruction
E-mail: zammitt@cabrillo.k12.ca.us
Telephone: 650-712-7200 x5030
Fax: 650-712-7200
Ed Code or CCR to Waive: Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270) (Perkins Act) requires local educational agencies (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 and is unable to join a consortium.

Outcome Rationale: The criterion for qualifying for this waiver is demonstration that the LEA cannot form or join a consortium that handles the Perkins funds. There is no other district in the local area willing to join in a consortium with Fort Bragg USD. Fort Bragg USD is seeking this waiver to function independently in order to meet the needs of the students in the district. Our student population on information day was 1775, with our High School having 494. Our preliminary grant allocation is $14,904 for the 2017/2018 fiscal year.

Student Population: 494

City Type: Rural

NCES Code: 33

Local Board Approval Date: 4/6/2017

Submitted by: Ms. Wendy Boise
Position: CBO
E-mail: wboise@fbusd.us
Telephone: 707-961-2850 x3517
Fax: 707-964-5002
California Department of Education
WAIVER SUBMISSION - Federal

CD Code: 0475507 Waiver Number: Fed-1-2017 Active Year: 2017

Date In: 3/24/2017 11:42:44 AM

Local Education Agency: Gridley Unified School District
Address: 429 Magnolia St.
Gridley, CA 95948

Start: 7/1/2017 End: 6/30/2018

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) requires LEAs whose allocations are less than $15,000 to waive the consortium agreement if the LEA is in a rural area.

Outcome Rationale: Our total enrollment and socioeconomic disadvantaged student population numbers are below the threshold.

Student Population: 601

City Type: Rural

NCES Code: 43

Local Board Approval Date: 3/15/2017

Submitted by: Mr. Joey Adame
Position: CTE Director
E-mail: jadame@gusd.org
Telephone: 530-846-4791 x223
Fax:

Revised: 7/6/2017 2:21 PM
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<th>Waiver Number: Fed-8-2017</th>
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Date In: 4/19/2017 8:08:16 AM

Local Education Agency: Kelseyville Unified School District
Address: 4410 Konocti Rd.
Kelseyville, CA 95451

Start: 7/1/2017   End: 6/30/2021

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: 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 Perkins Grant funding received by Kelseyville Unified School District is used to supplement our Career and Technical Education Programs at Kelseyville High School.

Student Population: 1700

City Type: Rural

NCES Code: 32

Local Board Approval Date: 4/18/2017

Submitted by: Ms. Barbara Green
Position: Business Manager
E-mail: bgreen@kvusd.org
Telephone: 707-279-1511 x1005
Fax: 707-279-9221
California Department of Education
WAIVER SUBMISSION - Federal

CD Code: 1062281  Waiver Number: Fed-7-2017  Active Year: 2017

Date In: 4/7/2017 2:59:45 PM

Local Education Agency: Laton Joint Unified School District
Address: 6259 DeWoody
Laton, CA 93242

Start: 7/1/2017  End: 6/30/2021

Waiver Renewal: Y
Previous Waiver Number: Fed-7-2013-W-01  Previous SBE Approval Date: 11/7/2013

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: PL 109-270 Section 131(c) (1) of the Carl D Perkins Career andTechnical Education Improvement Act of 2006 (Public Law 109-270).

PL 109-270 Section 131 (c)(2).

Outcome Rationale: We are too small of a school district and there is not another district near us to form the consortium with.

Student Population: 190

City Type: Rural

NCES Code: 41

Local Board Approval Date: 4/5/2017

Submitted by: Mr. Jason Krikava
Position: Principal
E-mail: jkrikava@latonunified.org
Telephone: 559-922-4080 x4098
Fax: 559-923-4791
California Department of Education  
WAIVER SUBMISSION - Federal

CD Code: 5375028  Waiver Number: Fed-10-2017  Active Year: 2017

Date In: 4/20/2017 10:49:22 AM

Local Education Agency: Mountain Valley Unified School District
Address: 231 Oak Ave., PO Box 339
Hayfork, CA 96041

Start: 7/1/2017  End: 6/30/2021

Waiver Renewal: Y  Previous Waiver Number: 03-2012  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: 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: Section 131(d)(2) of the Career and Technical Education 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 the Perkins funding. Trinity High School, located 32 miles from Hayfork High is the closest school in which to form a consortium. Considering differences in school size, distances from each other, and programs offered at each school, we feel a waiver is possible and reasonable.

Student Population: 72

City Type: Rural

NCES Code: 43

Local Board Approval Date: 4/5/2017

Submitted by: Ms. Robin Jackson
Position: Business Manager
E-mail: rjackson@mvusd.us
Telephone: 530-628-5265 x129
Fax: 530-628-5267
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<tr>
<td>Address: 540 A Sixth St. Arbuckle, CA 95912</td>
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<td>Start: 7/1/2017</td>
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<th>Waiver Topic: Federal Program Waiver</th>
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<td>Ed Code Section: PL 109-270 Section 131(c)(1)</td>
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<td>Ed Code Authority: PL 109-270 Section 131(c)(2)</td>
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| Ed Code or CCR to Waive: Ed Code or CCR to Waive: Public Law 109-270(Carl D. Perkins Career and Technical Education Improvement Act of 2006, Section 131(c)(1) requires local education agencies 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 and is unable to join a consortium. |

We need the allocation portion waived. See rationale below.

Outcome Rationale: Located in Colusa County, Pierce Joint Unified School District (Pierce JUSD) is a small unified school district with one comprehensive high school and one continuation high school. The district serves the town of Arbuckle and outlying rural population. Pierce High School is located off of Interstate 5 in Northern California, 40 miles north of Sacramento. Pierce JUSD has a locale code of 42(rural, distant) per the NCES, thus meeting one of the criteria established by the SBE Waiver Policy #01-01.

The other criterion for this waiver is demonstration that the LEA cannot form or join a consortium that handles the Perkins funds. Pierce JUSD was part of a large consortium with ten other members. However the Perkins funds, as reauthorized in 2006 and enacted beginning in the 2007-2008 school year, changed the way in which consortiums operate. Section 131(f) (2) requires funds allocated to a consortium to be used only for purposes and programs mutually beneficial to all members and that the funds may not be reallocated to individual members of the consortium. Due to this change in the Perkins Act, the consortium was disbanded in the 2008-09 fiscal year. Pierce JUSD has not been able to find another LEA to form a consortium that could also meet the requirements of the Perkins Act. Pierce JUSD is seeking this waiver to function independently in order to meet the needs of the students in the district.

Student Population: 431
City Type: Rural
NCES Code: 42
Local Board Approval Date: 4/20/2017
Submitted by: Ms. Nicole Newman
Position: Principal/Perkins Coordinator
E-mail: nnewman@pierce.k12.ca.us
Telephone: 530-476-2277
Fax:
California Department of Education
WAIVER SUBMISSION - Federal

CD Code: 3266969 Waiver Number: Fed-12-2017 Active Year: 2017

Date In: 4/25/2017 4:12:45 PM

Local Education Agency: Plumas Unified School District
Address: 1446 East Main St.
Quincy, CA 95971

Start: 7/1/2017 End: 6/30/2021

Waiver Renewal: Y
Previous Waiver Number: 02/07/2013 Previous SBE Approval Date: 2/7/2013

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: U.S. Code, Section 2351(c)(1) and (2) or [P.L. 109-270 Section 131(c)(1) and (2)]
(c) Minimum Allocation
(1) In general
Except as provided in Paragraph (2), a local educational agency shall not receive an allocation under subsection (a) unless the amount allocated to such agency under subsection (a) is greater that $15,000. A local educational agency may enter into a consortium with other local educational agencies for the purposes of meeting the minimum allocation requirement of this paragraph.
(2) Waiver
The eligible agency shall waive the application of paragraph (1) in any case in which the local educational agency --
(A)(i) is located in a rural, sparsely populated area, or
(ii) is a public charter school operating a secondary school career and technical educational program; and
(B) demonstrates that the local educational agency is unable to enter into a consortium for purposes of providing activities under this part (20 U.S.C.A. § 2351 et seq.)

Outcome Rationale: The grant money will be used to facilitate field trips to on site locations so that students can have an opportunity experience a workplace hands on. The grant money will also be used for teachers to continue to grow in their field of expertise and in learning how to teach what they teach more effectively.

Student Population: 1735

City Type: Rural

NCES Code: 32
Local Board Approval Date: 4/19/2017

Submitted by: Ms. Kimberly Retallack
Position: HR Specialist
E-mail: kretallack@pcoe.k12.ca.us
Telephone: 530-283-6500 x5256
Fax: 530-283-3776
California Department of Education  
WAIVER SUBMISSION - Federal


Date In: 4/20/2017 10:22:14 AM

Local Education Agency: Siskiyou Union High School District
Address: 624 Everitt Memorial Hwy.
MT. SHASTA, CA 96067

Start: 7/1/2017  End: 6/30/2021
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: 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: Siskiyou Union High School District is located in a rural, sparsely populated area and is unable to enter into a consortium to participate in the Perkins funding.

Student Population: 556

City Type: Rural

NCES Code: 42

Local Board Approval Date: 4/19/2017

Submitted by: Mr. Mike Matheson
Position: Superintendent
E-mail: mmatheson@sisuhsd.net
Telephone: 530-926-3006
WAIVER ITEM W-07
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2017 AGENDA

General Waiver

SUBJECT

Request by the Kingsburg Elementary Charter School District to waive portions of California Education Code Section 51745.6, and California Code of Regulations, Title 5, Section 11704, and portions of Section 11963.4(a)(3), relating to charter school independent study pupil-to-certificated employee ratio to allow an increase from 25:1 to 27.5:1 pupil-to-certificated employee ratio at Central Valley Home School.

Waiver Number: 33-2-2017

SUMMARY OF THE ISSUES

The Kingsburg Elementary Charter School District (KESD) submitted a waiver request to the State Board of Education (SBE) to increase the pupil-to-certificated employee ratio from 25:1 to 27.5:1 at Central Valley Home School (CVHS).

Authority for Waiver: California Education Code (EC) Section 33050

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval of the renewal waiver request to increase the pupil-to-certificated employee ratio from 25:1 to 27.5:1, as provided in Attachment 1.

The KESD will spend all excess funds generated by the increased pupil-to-certificated employee ratio on students enrolled at the CVHS.

EC Section 33051(b) will apply and the district will not need to reapply if the information contained on the request remains current.

SUMMARY OF KEY ISSUES

The KESD is requesting a continuing renewal of its waiver from 2015 related to charter school independent study pupil-to-certificated employee ratio to allow an increase from 25:1 to 27.5:1 pupil-to-certificated employee ratio at CVHS.
EC Section 51745.6 and California Code of Regulations, Title 5, Section 11704, and portions of Section 11963.4(A)(3), establish minimum requirements for average daily attendance (ADA)-to-certificated employee ratios in independent study that apply to non-classroom-based charter schools. These sections require that the ratio meet the following criteria:

- The ratio cannot exceed the equivalent ratio of ADA-to-full-time certificated employee for all other educational programs operated by the high school or unified school district with the largest ADA of pupils in that county.

- In a charter school, the ratio may be calculated by using a fixed ADA-to-certificated employee ratio of 25:1, or by a ratio of less than 25 pupils per certificated employee.

- The average daily attendance generated by special education pupils enrolled in special day classes on a full-time basis, or the teachers of those classes, are excluded from this ratio.

The KESD does not have a bargaining unit. Therefore, the district does not use the local option to extend the ratio through local negotiation as provided under EC Section 51745.6(b).

The district maintains that a higher teacher to student ratio allows the program to use the money saved to provide increased opportunities for their students. They use the saved funds to hire subject matter experts to come in and teach additional classes. In this way, the students actually get more contact with teachers instead of less. The school has provided classes such as robotics, coding, forensics, art history, music, golf, taekwondo, and Spanish to their students with funds saved.

The local board voted unanimously to request the proposed waiver for a waiver period from July 1, 2016 through June 30, 2018, resulting in a permanent waiver under EC Section 33051(b) that provides that the governing board of a school district that has requested and received a general waiver under this article for two consecutive years for the same general waiver is not required to reapply annually if the information contained on the request remains current.

At the May 2017 SBE meeting, the Board approved a revision of the Board’s Waiver Policy: Independent Study: Average Daily Attendance-to-Teacher Ratio. The district has provided assurances consistent with the terms of that policy.

Based on the district’s meeting and exceeding the intent of the statute to provide a supportive pupil-to-certificated employee ratio, the CDE recommends approval of renewal of the waiver.

Demographic Information:

The KESD has a student population of 2,231 and is located in a small city in Fresno County.
Because these are general waivers, if the State Board of Education (SBE) decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Previous waivers for Independent Study Program, Pupil Teacher Ratio have been approved by the SBE.

At the May 2017 SBE meeting, the Board approved a revision to the California State Board of Education Waiver Policy: Independent Study: Average Daily Attendance-to-Teacher Ratio. California EC Section 51745.6 was amended by Assembly Bill 858 in 2014, and again by AB 104 in 2015, to authorize use of a negotiated teacher-student ratio for students served through independent study, whether higher or lower than the statutory standard, provided in a collective bargaining agreement or a Memorandum of Understanding. This change in law required an update to the SBE policy regarding Independent Study programs and the ratio of pupils-to-teachers.

FISCAL ANALYSIS (AS APPROPRIATE)

The increased pupil-to-teacher ratio would result in cost savings for the charter school and increased ADA claims from the state.

ATTACHMENT(S)

Attachment 1: Summary Table of Independent Study State Board of Education Waiver (1 Page)

Attachment 2: Kingsburg Elementary Charter School District General Waiver Request 14-9-2016 (2 pages) (Original Waiver request is signed and on file in the Waiver Office.)
## Summary Table of Independent Study State Board of Education Waiver for March 2017

<table>
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<tr>
<th>Waiver Number</th>
<th>County Office of Education/District Name, Size of District, and Approval Date</th>
<th>Pupil-to-Teacher Ratio Requested (if waiver of California Education Code [EC] Section 51745.6 and California Code of Regulations, Title 5, Section 11704 and Portions of Section 11963.4(a)(3))</th>
<th>Period of Request</th>
<th>Renewal Waiver?</th>
<th>Certificated Bargaining Unit Name and Representative, Date of Action, and Position</th>
<th>Advisory Committee/School Site Council Name, Date of Review, and Any Objections</th>
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</table>
| 33-2-2017     | Kingsburg Elementary Charter School District (KESD)  
2,231 Students in District  
150 Students in Central Valley Home School (CVHS)  
February 21, 2017 | Increase from 25:1 to 27.5:1.  
**Requested:** July 1, 2017 through June 30, 2019  
**Recommended:** July 1, 2017 through June 30, 2019 | YES | No Bargaining Unit |  
Central Valley Home School Advisory Committee  
January 10, 2017  
**No objections** |

**Conditions:** The increase in the pupil-to-certificated employee ratio from 25:1 will be for students enrolled in the CVHS and will be limited to 27.5:1. The KESD will spend all excess funds generated by the increased pupil-to-certificated employee ratio on students enrolled in the CVHS.
Outcome Rationale: Central Valley Home School (CVHS) is part of the Kingsburg Elementary Charter School District (KESD) and has been providing high quality home school education to students in the Central Valley for the past 20 years. Teachers work from the school office serving students in a large geographical area using a variety of techniques. An increase in the pupil-to-teacher ratio will allow a cost savings, as well as maximize the resources that the school can offer to students. KESD is one of only eight charter districts in the state. It is also the largest. The District feels that a more equitable measure of an average class-size should be based upon its own ADA rather than that of the largest district in our county (Fresno Unified, 75,000+students). In addition, CVHS utilizes instructional coaching methods and effective technological resources when working with parents. CVHS has integrated an intervention component for learning in the home school environment; specifically enhanced course offerings, increased intervention classes, test preparation courses, and/or increased access to technological courses. The previous waiver was approved at a ratio of 27.5:1 for the 2015/2016 and 2016/2017 fiscal years.

Student Population: 150

City Type: Small

Public Hearing Date: 2/21/2017
Public Hearing Advertised: Notice was posted at each school site, the district office, and the public library

Local Board Approval Date: 2/21/2017
Community Council Reviewed By: CVHS Advisory Committee
Community Council Reviewed Date: 1/10/2017
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: Y

Categorical Program Monitoring: N

Submitted by: Ms. Misti Jennings
Position: Principal
E-mail: mjennings@kesd.org
Telephone: 559-897-6740
Fax: 559-897-6872
California State Board of Education
Meeting Agenda Items for July 12-13, 2017

WAIVER ITEM W-08
### SUBJECT

Requests by seven districts and one charter school under the authority of California *Education Code* sections 46206(a) and 47612.6(a), to waive *Education Code* sections 46200, 46201, and 47612.5, the audit penalties for offering insufficient instructional days or minutes during the 2015–16 school year.

Waiver Numbers:

- Central Union High School District 12-3-2017
- Coalinga-Huron Unified School District 7-3-2017
- Fullerton Joint Union High School District 6-2-2017
- Lakeside Union Elementary School District 5-4-2017
- Manzanita Charter Middle School 32-3-2017
- Mariposa County Unified School District 8-3-2017
- Napa Valley Unified School District 3-4-2017
- Palo Verde Union Elementary School District 23-3-2017

### SUMMARY OF THE ISSUE(S)

The local educational agencies (LEAs) listed above are requesting that the California State Board of Education (SBE) waive the instructional time requirement audit penalty. The LEAs were short instructional days or minutes for the 2015–16 school year. Per *Education Code (EC)* sections 46206(a) and 47612.6(a), the SBE may waive the fiscal penalties set forth in *EC* sections 46200, 46201, and 47612.5 for a school district, county office of education, or charter school that fails to maintain the prescribed minimum length of instruction, upon the condition that the school or schools in which the days or minutes were lost maintain days or minutes of instruction equal to those lost, in addition to the minimum amount required, for twice the number of years that it failed to maintain the required minimum length of time.

**Authority for Waiver:** *EC* sections 46206(a) and 47612.6(a)
The California Department of Education (CDE) recommends that the SBE approve these waivers on the condition that the LEAs maintain increased instructional days or minutes of at least the amount required by law plus the number of days or minutes the LEAs failed to offer for a period of two years beginning in 2016–17 through 2017–18 as described in Attachment 2. As an additional condition of the waiver approval, the LEAs must report the annual days of instruction and the annual instructional minutes offered in their annual audit reports.

In addition to the conditions listed above, Manzanita Charter Middle School must develop procedures and a method of tracking to ensure that all teachers are in possession of a current, valid teaching credential.

**SUMMARY OF KEY ISSUES**

During the annual audit of instructional days and instructional minutes for 2015–16, it was discovered that the LEAs listed in Attachments 1 and 2 failed to offer the required number of instructional days or instructional minutes required.

The LEAs would like to use school years 2016–17 and 2017–18 to make up the shortfall of instructional days or instructional minutes at affected school sites.

The minimum number of required annual days of instruction in 2016–17 and 2017–18 is 180.

The minimum number of required annual instructional minutes in 2016–17 and 2017–18 for kindergarten is 36,000, grades one through three is 50,400, grades four through eight is 54,000, and grades nine through twelve is 64,800.

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

The SBE has approved similar requests with conditions. *EC* sections 42606 and 47612.6 authorize 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 days or minutes were lost, maintain days or minutes of instruction equal to those lost, in addition to the minimum amount required for twice the number of years that it failed to maintain the required minimum length of time.

**Demographic Information:**

Central Union High School District has a student population of 4,120 and is located in an urban area in Imperial County.
Coalinga-Huron Unified School District has a student population of 4,446 and is located in a rural area in Fresno County.

Fullerton Joint Union High School District has a student population of 14,235 and is located in a suburban area in Orange County.

Lakeside Union Elementary School District has a student population of 5,028 and is located in a suburban area in San Diego County.

Manzanita Charter Middle School has a student population of 100 and is located in an urban area in Contra Costa County.

Mariposa County Unified School District has a student population of 1,871 and is located in a rural area in Mariposa County.

Napa Valley Unified School District has a student population of 17,841 and is located in a suburban area in Napa County.

Palo Verde Union Elementary School District has a student population of 575 and is located in a rural area in Tulare County.

**FISCAL ANALYSIS (AS APPROPRIATE)**

Refer to Attachment 1 for detailed calculations of the instructional day and minute penalty amounts for each waiver.

**ATTACHMENT(s)**

Attachment 1: Fiscal Analysis (2 pages)

Attachment 2: Summary Table (4 pages)

Attachment 3: Central Union High School District Specific Waiver Request 12-3-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office).

Attachment 4: Coalinga-Huron Unified School District Specific Waiver Request 7-3-2017 (1 page). (Original waiver request is signed and on file in the Waiver Office).

Attachment 5: Fullerton Joint Union High School District Specific Waiver Request 6-2-2017 (1 page). (Original waiver request is signed and on file in the Waiver Office).

Attachment 6: Lakeside Union Elementary School District Specific Waiver Request 5-4-2017 (3 pages). (Original waiver request is signed and on file in the Waiver Office).
Attachment 7: Manzanita Charter Middle School Specific Waiver Request
32-3-2017 (3 pages). (Original waiver request is signed and on file in the Waiver Office).

Attachment 8: Mariposa County Unified School District Specific Waiver Request
8-3-2017 (1 page). (Original waiver request is signed and on file in the Waiver Office).

Attachment 9: Napa Valley Unified School District Specific Waiver Request
3-4-2017 (1 page). (Original waiver request is signed and on file in the Waiver Office).

Attachment 10: Palo Verde Union Elementary School District Specific Waiver Request
23-3-2017 (1 page). (Original waiver request is signed and on file in the Waiver Office).
## Fiscal Analysis

### Instructional Day Penalty Calculation – *Education Code* Section 46200

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<th>School District (Waiver Number)</th>
<th>Fiscal Year of Penalty</th>
<th>Affected Grade level(s)</th>
<th>Affected Grade Level ADA</th>
<th>Transition or Target LCFF Funding Rate</th>
<th>Affected Funding</th>
<th>Number of Days Required</th>
<th>Number of Days Short</th>
<th>Penalty Factor</th>
<th>Penalty Amount (Affected Funding x Days Short x Penalty Factor)</th>
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<td>2015–16</td>
<td>Grades 9–12</td>
<td>13,588.79 x $8,381.48 = $114,032,550</td>
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<td>0.0056</td>
<td>$5,293</td>
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</tbody>
</table>

Palo Verde Elementary School District Total: $24,373
### Instructional Minutes Penalty Calculation – *Education Code* sections 46201(a) and 47612.6(a)

<table>
<thead>
<tr>
<th>School District (Waiver Number)</th>
<th>Fiscal Year of Penalty</th>
<th>Affected Grade level(s)</th>
<th>Affected Grade Level ADA x Transition or Target LCFF Funding Rate = Affected Funding</th>
<th>Number of Minutes Short ÷ Number of Minutes Required = Percentage of Minutes Not Offered</th>
<th>Penalty Amount (Affected Funding x Percentage of Minutes Not Offered)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Union High School District <em>(12-3-2017)</em></td>
<td>2015–16</td>
<td>Grade 9</td>
<td>1,138.85 x $9,380.21 = $10,682,652</td>
<td>3,150 ÷ 64,800 = 4.86%</td>
<td>$519,177</td>
</tr>
<tr>
<td>Coalinga-Huron Unified School District <em>(7-3-2017)</em></td>
<td>2015–16</td>
<td>Grades 4–5</td>
<td>634.90 x $8,206.15 = $5,210,085</td>
<td>652 ÷ 54,000 = 1.21%</td>
<td>$63,042</td>
</tr>
<tr>
<td>Lakeside Union Elementary School District <em>(5-4-2017)</em></td>
<td>2015–16</td>
<td>Grades 4–5</td>
<td>1042.41 x $6,980.28 = $7,276,314</td>
<td>835 ÷ 54,000 = 1.55%</td>
<td>$112,783</td>
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<tr>
<td>Manzanita Charter Middle School <em>(32-3-2017)</em></td>
<td>2015–16</td>
<td>Grade 7</td>
<td>48.47 x $8,263.53 = $400,533</td>
<td>3,933 ÷ 54,000 = 7.28%</td>
<td>$29,159</td>
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<tr>
<td>Manzanita Charter Middle School</td>
<td>2015–16</td>
<td>Grade 8</td>
<td>44.31 x $8,263.53 = $366,157</td>
<td>4,593 ÷ 54,000 = 8.51%</td>
<td>$31,160</td>
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<tr>
<td>Mariposa County Unified School District <em>(8-3-2017)</em></td>
<td>2015–16</td>
<td>Grades 9–12</td>
<td>530.82 x $8,162.06 = $4,332,585</td>
<td>1,265 ÷ 64,800 = 1.95%</td>
<td>$84,485</td>
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</tbody>
</table>

Manzanita Charter Middle School Total: $60,319

Created by California Department of Education
May 19, 2017
## Summary Table

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>Period of Request</th>
<th>District’s Request</th>
<th>CDE Recommendation</th>
<th>Bargaining Unit Representatives Consulted Date, and Position</th>
<th>Local Board and Public Hearing Approval Date</th>
<th>Potential Annual Penalty Without Waiver</th>
</tr>
</thead>
<tbody>
<tr>
<td>12-3-2017</td>
<td>Central Union High School District</td>
<td>Requested: 7/1/2015 to 6/30/2016 Recommended: 7/1/2015 to 6/30/2016</td>
<td>District requests waiving EC Section 46201(a) to avoid the audit penalty in exchange for offering increased instructional minutes in 2016–17 and 2017–18, consistent with EC Section 46206.</td>
<td><strong>Approval</strong> of waiver, consistent with EC Section 46206 with the following conditions: District: (1) maintains increased instructional minutes at Phoenix Rising High School for grade nine of at least the amount required by law plus 3,150 minutes, for a period of two years beginning in 2016–17 through 2017–18, and (2) reports the annual instructional minutes offered in grade nine in its annual audit report.</td>
<td>El Centro Secondary Teachers Association, Catherine Drew President 2/28/2017 Support</td>
<td>3/14/2017</td>
<td>$519,177</td>
</tr>
<tr>
<td>7-3-2017</td>
<td>Coalinga-Huron Unified School District</td>
<td>Requested: 7/1/2015 to 6/30/2016 Recommended: 7/1/2015 to 6/30/2016</td>
<td>District requests waiving EC Section 46201(a) to avoid the audit penalty in exchange for offering increased instructional minutes in 2016–17 and 2017–18, consistent with EC Section 46206.</td>
<td><strong>Approval</strong> of waiver, consistent with EC Section 46206 with the following conditions: District: (1) maintains increased instructional minutes at Sunset Elementary and Huron Elementary for grades four and five of at least the amount required by law plus 652 minutes, for a period of two years beginning in 2016–17 through 2017–18, and (2) reports the annual instructional minutes offered in grades four and five in its annual audit report.</td>
<td>Coalinga-Huron Teacher Association, Jason McFarlin Chief Negotiator 2/28/2017 and 5/09/2017 Support</td>
<td>2/28/2017 and 5/09/2017</td>
<td>$63,042</td>
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<tr>
<td>Waiver Number</td>
<td>District</td>
<td>Period of Request</td>
<td>District’s Request</td>
<td>CDE Recommendation</td>
<td>Bargaining Unit Representatives Consulted Date, and Position</td>
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</tr>
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<tr>
<td>6-2-2017</td>
<td>Fullerton Joint Union High School District</td>
<td>Requested: 7/1/2015 to 6/30/2016</td>
<td>District requests waiving EC Section 46200 to avoid the audit penalty in exchange for offering increased days of instruction in 2016–17 and 2017–18, consistent with EC Section 46206.</td>
<td><strong>Approval</strong> of waiver, consistent with EC Section 46206 with the following conditions: District: (1) maintains increased days of instruction at La Vista High School and La Sierra High School for grades nine through twelve of at least the amount required by law plus one day, for a period of two years beginning in 2016–17 through 2017–18, and (2) reports the annual days of instruction offered in grades nine through twelve in its annual audit report.</td>
<td>Fullerton Secondary Teachers Association, John Marvin President 9/16/2016</td>
<td>2/7/2017</td>
<td>$637,807</td>
</tr>
<tr>
<td>5-4-2017</td>
<td>Lakeside Union Elementary School District</td>
<td>Requested: 7/1/2015 to 6/30/2016</td>
<td>District requests waiving EC Section 46201(a) to avoid the audit penalty in exchange for offering increased instructional minutes in 2016–17 and 2017–18, consistent with EC Section 46206.</td>
<td><strong>Approval</strong> of waiver, consistent with EC Section 46206 with the following conditions: District: (1) maintains increased instructional minutes at Lakeview Elementary for grades four and five of at least the amount required by law plus 835 minutes and maintains increased instructional minutes for grades four and five at Lakeside Farms Elementary of at least the amount required by law plus 240 minutes, for a period of two years beginning in 2016–17 through 2017–18, and (2) reports the annual instructional minutes offered in grades four and five in its annual audit report.</td>
<td>Lakeside Teachers Association, Cathy Sprecco President 3/28/2017</td>
<td>SUPPORT</td>
<td>4/6/2017</td>
</tr>
<tr>
<td>Waiver Number</td>
<td>District</td>
<td>Period of Request</td>
<td>District’s Request</td>
<td>CDE Recommendation</td>
<td>Bargaining Unit Representatives Consulted Date, and Position</td>
<td>Local Board and Public Hearing Approval Date</td>
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</tr>
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<tr>
<td>32-3-2017</td>
<td>Manzanita Charter Middle School</td>
<td>Requested: 7/1/2015 to 6/30/2016</td>
<td>District requests waiving EC Section 47612.5(c) to avoid the audit penalty in exchange for offering increased instructional minutes in 2016–17 and 2017–18, consistent with EC Section 47612.6(a).</td>
<td>Approval of waiver, consistent with EC Section 47612.6(a) with the following conditions: Charter School: (1) maintains increased instructional minutes for grade seven of at least the amount required by law plus 3,933 minutes and increased instructional minutes for grade eight of at least the amount required by law plus 4,593 minutes, for a period of two years beginning in 2016–17 through 2017–18, (2) reports the annual instructional minutes offered in grades seven and eight in its annual audit report, and (3) develops procedures a method of tracking to ensure all teachers are in possession of a current, valid teaching credential.</td>
<td>No bargaining unit</td>
<td>3/14/2017</td>
<td>$61,319</td>
</tr>
<tr>
<td>8-3-2017</td>
<td>Mariposa County Unified School District</td>
<td>Requested: 7/1/2015 to 6/30/2016</td>
<td>District requests waiving EC Section 46201(a) to avoid the audit penalty in exchange for offering increased instructional minutes in 2016–17 and 2017–18, consistent with EC Section 46206.</td>
<td>Approval of waiver, consistent with EC Section 46206 with the following conditions: District: (1) maintains increased instructional minutes at Coulterville High School for grades nine through twelve of at least the amount required by law plus 1,265 minutes, for a period of two years beginning in 2016–17 through 2017–18, and (2) reports the annual instructional minutes offered in grades nine through twelve in its annual audit report.</td>
<td>Mariposa County Teachers Association, Alex Keeton President</td>
<td>1/10/2017</td>
<td>Support</td>
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<tr>
<td>Waiver Number</td>
<td>District</td>
<td>Period of Request</td>
<td>District’s Request</td>
<td>CDE Recommendation</td>
<td>Bargaining Unit Representatives Consulted Date, and Position</td>
<td>Local Board and Public Hearing Approval Date</td>
<td>Potential Annual Penalty Without Waiver</td>
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<td>3-4-2017</td>
<td>Napa Valley Unified School District</td>
<td>Requested: 7/1/2015 to 6/30/2016</td>
<td>District requests waiving EC Section 46200 to avoid the audit penalty in exchange for offering increased days of instruction in 2016–17 and 2017–18, consistent with EC Section 46206.</td>
<td><strong>Approval</strong> of waiver, consistent with EC Section 46206 with the following conditions: District: (1) maintains increased days of instruction at New Technology High School for grades nine through twelve of at least the amount required by law plus one day, for a period of two years beginning in 2016–17 through 2017–18, and (2) reports the annual instructional days offered in grades nine through twelve in its annual audit report.</td>
<td>Napa Valley Educator’s Association, Gayle Young President 3/10/2017 Support</td>
<td>4/6/2017</td>
<td>$259,201</td>
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<tr>
<td>23-3-2017</td>
<td>Palo Verde Union Elementary School District</td>
<td>Requested: 7/1/2015 to 6/30/2016</td>
<td>District requests waiving EC Section 46200 to avoid the audit penalty in exchange for offering increased days of instruction in 2016–17 and 2017–18, consistent with EC Section 46206.</td>
<td><strong>Approval</strong> of waiver, consistent with EC Section 46206 with the following conditions: District: (1) maintains increased days of instruction for grades kindergarten through eight of at least the amount required by law plus one day, for a period of two years beginning in 2016–17 through 2017–18, and (2) reports the annual days of instruction offered in grades kindergarten through eight in its annual audit report.</td>
<td>No bargaining unit</td>
<td>2/8/2017</td>
<td>$24,373</td>
</tr>
</tbody>
</table>
Ed Code or CCR to Waive: 46201.
(a) For each school district that received an apportionment pursuant to subdivision (a) of this section, as it read on January 1, 2013, and that reduces the amount of instructional time offered below the minimum amounts specified in subdivision (b), the Superintendent shall withhold from the school district's local control funding formula grant apportionment pursuant to Section 42238.02, as implemented by Section 42238.03, for the average daily attendance of each affected grade level, the sum of that apportionment multiplied by the percentage of the minimum offered minutes at that grade level that the school district failed to offer.
(b) Commencing with the 2013–14 fiscal year:
(4) Sixty-four thousand eight hundred minutes in grades 9 to 12, inclusive.

Outcome Rationale: Upon audit review for the 2015-16 Fiscal Year, Phoenix Rising High School did not offer the required minimum annual instructional minutes for grade 9 in accordance with Education Code Section 46201. The calculated shortfall was 3,150 minutes for the school year.

The Central Union High School District has implemented a process whereby all school site bell schedules are reviewed annually through the Business & Support Services office. All school site bell schedules are reviewed prior to the beginning of the school year in order to ensure that all schools meet or exceed the required daily and annual minutes. School site bell schedules are then approved and sent to school site administration to implement for the upcoming school year. Principals have been directed not to make any modifications to the schedules unless previously approved by the Assistant Superintendent of Business and Support Services.

The District has modified and corrected said exception regarding Phoenix Rising High School for the 2016-17 school year. For 2016-17, the Phoenix Rising High School, based on the new modified bell schedule, will generate 70,338 minutes for the year. This is 5,538 minutes above the minimum 64,800 minutes required for grades 9-12. The District will implement this same bell schedule for the 2017-18 school year and beyond for which the Phoenix Rising High School will continue to exceed the annual minimum minutes by 5,538.

Student Population: 4120
City Type: Urban

Local Board Approval Date: 3/14/2017

Audit Penalty YN: Y

Categorical Program Monitoring: N

Submitted by: Mr. Arnold Preciado
Position: Assistant Superintendent, Business Services
E-mail: arnold@cuhsd.net

Telephone: 760-336-4506
Fax: 760-352-2134

Bargaining Unit Date: 03/01/2017
Name: Classified School Employees' Association Ch. #726
Representative: Bea Mora
Title: CSEA President
Position: Support
Comments:

Bargaining Unit Date: 02/28/2017
Name: El Centro Secondary Teachers' Association
Representative: Catherine Drew
Title: ECSTA President
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1062125    Waiver Number: 7-3-2017    Active Year: 2017

Date In: 3/13/2017 9:28:41 AM

Local Education Agency: Coalinga-Huron Unified
Address: 657 Sunset St.
Coalinga, CA 93210


Waiver Renewal: N
Previous Waiver Number:    Previous SBE Approval Date:

Waiver Topic: Instructional Time Requirement Audit Penalty
Ed Code Title: Longer Day and Year - District
Ed Code Section: 46206(b)
Ed Code Authority: 46206(a)

Ed Code or CCR to Waive: For a district that participated in longer day funding, instructional
minutes offered must meet requirements pursuant to Education code Section 46201(b)

Outcome Rationale: The district did not increase the total minutes in grades 4 or 5 to meet the
minimum required minutes. The district has come into an agreement with the certificated
collective bargaining unit to make up the 652 minutes in the fiscal year 2016-17.

Student Population: 4446

City Type: Rural

Local Board Approval Date: 2/28/2017

Audit Penalty YN: Y

Categorical Program Monitoring: N

Submitted by: Mr. Amer Iqbal
Position: Director of Fiscal Services
E-mail: aiqbal@chusd.org

Telephone: 559-935-7502
Fax:

Bargaining Unit Date: 10/14/2016
Name: Coalinga-Huron Teacher Association
Representative: Jason McFarlin
Title: Chief Negotiator CHUTA
Position: Support
Comments:
CD Code: 3066514          Waiver Number: 6-2-2017    Active Year: 2017

Date In: 2/8/2017 2:27:29 PM

Local Education Agency: Fullerton Joint Union High School District
Address: 1051 West Bastanchury Rd.
Fullerton, CA 92833


Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Instructional Time Requirement Audit Penalty
Ed Code Title: Fallen Below 180 Days
Ed Code Section: 46206
Ed Code Authority: State Board of Education - Code Section 46206

Ed Code or CCR to Waive: Education Code Section 46206 allows for a waiver of the penalty by the State Board of Education if the District subsequently maintains the required 180 days in addition to maintaining the lost day in the subsequent two years. The District is seeking a waiver for the penalty

Outcome Rationale: The district operates both a continuation high school (La Vista High School) and an alternative high school (La Sierra High School) on the same campus. In determining professional development days, staff confused annual instructional minutes requirements for educational programs with minimum day requirements and assumed if sufficient instructional minutes were offered, instructional days could be converted to staff development days. In May 2016, the District identified the error. The District subsequently self-reported the non-compliance and began implementation of the corrective action plan which is to add one additional day to the following year (2016-2017 school year) and one additional day to the subsequent year thereafter (2017-2018 school year).

Student Population: 14235
City Type: Suburban

Local Board Approval Date: 2/7/2017

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Ms. Joan Velasco
Position: Asst. Superintendent Business Services
E-mail: jvelasco@fjuhsd.org
Telephone: 714-870-2810
California Department of Education  
WAIVER SUBMISSION - Specific

CD Code: 3768189  Waiver Number: 5-4-2017  Active Year: 2017

Date In: 4/7/2017 3:09:20 PM

Local Education Agency: Lakeside Union Elementary School District  
Address: 12335 Woodside Ave  
Lakeside, CA 92040


Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date:

Waiver Topic: Instructional Time Requirement Audit Penalty  
Ed Code Title: Longer Day and Year - District  
Ed Code Section: 46201 (d)  
Ed Code Authority: 46206 (a)

Ed Code or CCR to Waive: EC 46201(d) Penalty - required number of minutes
(a) In each of the 1984-85, 1985-86, and 1986-87 fiscal years, for each school district that certifies to the Superintendent of Public Instruction that it offers at least the amount of instructional time specified in this subdivision at a grade level or levels, the Superintendent of Public Instruction shall determine an amount equal to twenty dollars ($20) per unit of current year second principal apportionment regular average daily attendance in kindergarten and grades 1 to 8, inclusive, and forty dollars ($40) per unit of current year second principal apportionment regular average daily attendance in grades 9 to 12, inclusive. This section shall not apply to adult average daily attendance, the average daily attendance for pupils attending summer schools, alternative schools, regional occupational centers and programs, continuation high schools, or opportunity schools, and the attendance of pupils while participating in community college or independent study programs. (1) In the 1984-85 fiscal year, for kindergarten and each of grades 1 to 12, inclusive, the sum of subparagraphs (A) and (B): (A) The number of instructional minutes offered at that grade level in the 1982-83 fiscal year. (B) One-third of the difference between the number of minutes specified for that grade level in paragraph (3) and the number of instructional minutes offered at that grade level in the 1982-83 fiscal year. (2) In the 1985-86 fiscal year, for kindergarten and each of grades 1 to 12, inclusive, the sum of subparagraphs (A) and (B): (A) The number of instructional minutes offered at that grade level in the 1982-83 fiscal year. (B) Two-thirds of the difference between the number of minutes specified for that grade level in paragraph (3) and the number of instructional minutes offered at that grade level in the 1982-83 fiscal year. (3) In the 1986-87 fiscal year: (A) Thirty-six thousand minutes in kindergarten. (B) Fifty thousand four hundred minutes in grades 1 to 3, inclusive. (C) Fifty-four thousand minutes in grades 4 to 8, inclusive. (D) Sixty-four thousand eight hundred minutes in grades 9 to 12, inclusive. (4) In any fiscal year, each school district that receives an apportionment pursuant to subdivision (a) for average daily attendance in grades 9 to 12, inclusive, shall offer a program of instruction that allows each student to receive at least 24 course years of instruction, or the equivalent, during grades 9 to 12, inclusive. (5) For any
schoolsite at which programs are operated in more than one of the grade levels enumerated in subparagraph (B) or (C) of paragraph (3), the school district may calculate a weighted average of minutes for those grade levels at that schoolsite for purposes of making the certification authorized by this subdivision. (b) (1) If any of the amounts of instructional time specified in paragraph (3) of subdivision (a) is a lesser number of minutes for that grade level than actually provided by the district in the same grade in the 1982-83 fiscal year, the 1982-83 fiscal year number of minutes for that grade level, adjusted to comply with Section 46111, shall instead be the requirement for the purposes of paragraphs (1), (2), and (3) of subdivision (a). Commencing with the 1990-91 fiscal year, and each fiscal year through the 1995-96 fiscal year, any school district subject to this subdivision that does not maintain the number of instructional minutes for a particular grade level that the school district maintained for the 1982-83 fiscal year, adjusted to comply with Section 46111, shall not be subject to paragraphs (1) to (3), inclusive, of subdivision (c) if that school district maintains at least the minimum number of instructional minutes to reach grade level set forth in paragraph (3) of subdivision (a) in the 1990-91 fiscal year and each fiscal year through the 1994-95 fiscal year or the 1995-96 fiscal year for districts whose instructional minutes were adjusted to comply with Section 46111, and thereafter returns to the number of instructional minutes maintained for each grade level in the 1982-83 fiscal year. (2) The Legislature finds and declares that the school districts to which paragraph (1) is applicable have not offered any less instructional time than is required of all other school districts and therefore should not be forced to pay any penalty. (c) (1) For any school district that receives an apportionment pursuant to subdivision (a) in the 1984-85 fiscal year and that reduces the amount of instructional time offered below the minimum amounts specified in paragraph (1) of subdivision (a) in the 1985-86 fiscal year or any fiscal year thereafter, up to and including the 2000-01 fiscal year, the Superintendent of Public Instruction shall reduce the base revenue limit per unit of average daily attendance for the fiscal year in which the reduction occurs by an amount attributable to the increase in the 1985-86 fiscal year base revenue limit per unit of average daily attendance pursuant to paragraph (4) of subdivision (b) of Section 42238, as adjusted in the 1985-86 fiscal year and fiscal years thereafter. (2) For each school district that receives an apportionment pursuant to subdivision (a) in the 1985-86 fiscal year and that reduces the amount of instructional time offered below the minimum amounts specified in paragraph (2) of subdivision (a) in the 1986-87 fiscal year or any fiscal year thereafter, up to and including the 2000-01 fiscal year, the Superintendent of Public Instruction shall reduce the base revenue limit per unit of average daily attendance for the fiscal year in which the reduction occurs by an amount attributable to the increase in the 1986-87 fiscal year base revenue limit per unit of average daily attendance pursuant to paragraph (4) of subdivision (b) of Section 42238, as adjusted in the 1986-87 fiscal year and fiscal years thereafter. (3) For each school district that receives an apportionment pursuant to subdivision (a) in the 1986-87 fiscal year and that reduces the amount of instructional time offered below the minimum amounts specified in paragraph (3) of subdivision (a) in the 1987-88 fiscal year or any fiscal year thereafter, up to and including the 2000-01 fiscal year, the Superintendent of Public Instruction shall reduce the base revenue limit per unit of average daily attendance for the fiscal year in which the reduction occurs by an amount attributable to the increase in the 1987-88 fiscal year base revenue limit per unit of average daily attendance pursuant to paragraph (4) of subdivision (b) of Section 42238, as adjusted in the 1987-88 fiscal year and fiscal years thereafter. (d) For each school district that receives an apportionment pursuant to subdivision (a) in the 1986-87 fiscal year and that reduces the amount of instructional time offered below the minimum amounts specified in either paragraph (3) of subdivision (a) or paragraph (1) of subdivision (b), whichever is applicable, in the 2001-02 fiscal year, or any fiscal year thereafter, the Superintendent of Public Instruction shall withhold from the district's revenue limit apportionment for the average daily
attendance of each affected grade level, the sum of that apportionment multiplied by the percentage of the minimum offered minutes at that grade level that the district failed to offer.]

Outcome Rationale: For the previous five fiscal years, the District was able to reduce annual instructional minutes for up to five days, however, the expiration of this temporary reduction was the 2014-15 fiscal year. In 2015-16, the District assigned the responsibility of calculating instructional time and reviewing bell schedules to a new individual who was not aware of the expiration in law of instructional minute flexibility. As a result, the bell schedules were not adjusted to ensure instructional minutes were met and two elementary sites were short minutes in grades 4 and 5. The bell schedules at these two sites have already been adjusted in 2016/17 and will continue in 2017/18 to meet the minimum instructional minutes as well as make-up the lost minutes from the 2015/16 school year. This will ensure that students attending these two schools receive the same amount of instruction to achieve similar academic achievement as all students throughout the school district.

Student Population: 5028

City Type: Suburban

Local Board Approval Date: 4/6/2017

Audit Penalty YN: Y

Categorical Program Monitoring: N

Submitted by: Ms. Erin Garcia
Position: Assistant Superintendent
E-mail: erin.garcia@lsusd.net
Telephone: 619-390-2640 x2640
Fax: 619-290-2654

Bargaining Unit Date: 03/28/2017
Name: CSEA Chapter 240
Representative: Lisa Ford
Title: President
Position: Support
Comments:

Bargaining Unit Date: 03/28/2017
Name: Lakeside Teachers Association
Representative: Cathy Sprecco
Title: President
Position: Neutral
Comment
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 0761796  Waiver Number: 32-3-2017  Active Year: 2017

Date In: 3/27/2017 10:23:39 AM

Local Education Agency: Manzanita Charter Middle School
Address: 1108 Bissell Ave.
Richmond, CA 94801


Waiver Renewal: N  Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Instructional Time Requirement Audit Penalty
Ed Code Title: Charter - Minimum Instructional Time
Ed Code Section: 47612.5
Ed Code Authority: 47612.6(a)

Ed Code or CCR to Waive: Please see attachment #1

Outcome Rationale: Please see attachment #2

Student Population: 100

City Type: Urban

Local Board Approval Date: 3/14/2017

Audit Penalty YN: Y

Categorical Program Monitoring: N

Submitted by: Mr. Martin Coyne
Position: Business Services Consultant
E-mail: coyne@manzy.org
Telephone: 925-457-2652
Fax:
Education Code Section 47610-47615

(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.

(a) The State Board of Education may waive fiscal penalties calculated pursuant to subdivision (c) of Section 47612.5 for a charter school that fails to offer the minimum number of instructional minutes required pursuant to subdivision (a) of Section 47612.5 for the fiscal year.
Manzanita Charter Middle School
461 33rd Street, Richmond, CA 94804
(510)222-3500 Fax (510)222-3555
www.manzy.org

Attachment #2

Manzanita's Instructional Time Requirement Audit Penalty Waiver Application

The 2015-16 school year began with an entirely new staff of teachers. Manzanita reviewed all the teachers’ documentation and all teachers were credentialed appropriately for their assignment. During the month of October the 7th grade English teacher resigned so I hired a substitute teacher to teach 7th English. The substitute teacher was doing a good job with the assignment but was having difficulty staying with the position under the substitute pay arrangement. I mistaking acted on a misunderstanding that as a LEA, I had the authority to hire (December 2015) a teacher without a credential, teaching under my supervision, for one year if no one was available. The referenced audit finding brought to light that was an error creating a shortage of 3,933 minutes for 7th grade and 4,593 minutes for 8th grade. The teacher provided services for 113 days without certification.

The teacher is a dedicated professional who provided a high level standards-based learning experience for all her students. We made an error and it will not happen again. We will not hire any teacher in future without the proper teaching credential. The Business Services individual responsible for Human Resources shall review every teacher credential at the time of hire and at the start of every school year. Manzanita Charter Middle School will offer 62,130 instructional minutes during the 2016-2017 school year and will offer 61,740 minutes during 2017-2018 school year for 6th, 7th, and 8th grade students.

Manzanita Charter Middle School serves 6th, 7th, and 8th grade students.

Jim Trombley
Executive Director,
Manzanita Charter Middle School
Ed Code or CCR to Waive: *Education Code* Section 46206 allows the SBE to grant waivers of instructional time penalties, but only under the conditions that the school or schools in which there was a shortfall of days or minuses must, in addition to the amount of instructional time otherwise required, make up the shortfall in minutes or days for two years for each year of shortfall.

Outcome Rationale: Coulterville High School was moved to share a campus with the Greeley Hill Elementary School. The combined campus had a new first-year administrator and new site secretary that changed the bell schedule to align it with the elementary school. The changes were made after the bell schedule was submitted and approved by the district office. When the district office discovered the bell schedule change, we immediately contacted our third-party auditor Kemper CPA Group. A plan was developed to make up the additional minutes in 2016-17 and 2017-18. Attached are the bell schedules and approved calendars.

Student Population: 5

City Type: Rural

Local Board Approval Date: 1/15/2017

Audit Penalty YN: Y

Categorical Program Monitoring: N

Submitted by: Ms. Norma Dwyer
Position: Chief Business Officer
E-mail: ndwyer@mcusd.org
Telephone: 209-742-0222
Fax: 209-742-0369
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 2866266   Waiver Number: 3-4-2017   Active Year: 2017

Date In: 4/7/2017 2:12:07 PM

Local Education Agency: Napa Valley Unified School District
Address: 2425 Jefferson St.
Napa, CA 94558

Start: 7/1/2015   End: 6/30/2018

Waiver Renewal: N   Previous Waiver Number:   Previous SBE Approval Date:

Waiver Topic: Instructional Time Requirement Audit Penalty
Ed Code Title: Fallen Below 180 Days
Ed Code Section: 46200
Ed Code Authority: 46206

Ed Code or CCR to Waive: For any school district that received an apportionment pursuant to subdivision (a) and that offers less than 180 days of instruction or, in multitrack year-round schools, fewer than the number of days required in subdivision (a) for multitrack year-round schools, in the 2001-02 fiscal year, or any fiscal year thereafter,[ the Superintendent of Public Instruction shall withhold from the district's revenue limit apportionment for the average daily attendance of each affected grade level the sum of 0.0056 multiplied by that apportionment, for each day less than 180], or, in multitrack year-round schools, for each day less than the number of days required in subdivision (a) for year-round schools that the district offered. - See more at: http://codes.findlaw.com/ca/education-code/edc-sect-46200.html#sthash.m5WQlHf7.dpuf

Outcome Rationale: In school year 2015/16, New Tech High School had sufficient instructional minutes but only 179 instructional days. An audit finding was made. Corrective action requires the submission of a waiver request and the making up of the day lost by having 181 instructional days in both the 2016/17 and 2017/18 school years at New Tech High School.

Student Population: 17841

City Type: Suburban

Local Board Approval Date: 4/6/2017

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
California Department of Education  
WAIVER SUBMISSION - Specific

CD Code: 5472033  
Waiver Number: 23-3-2017  
Active Year: 2017

Date In: 3/20/2017 12:31:09 PM

Local Education Agency: Palo Verde Union Elementary  
Address: 9637 Avenue 196  
Tulare, Ca 93274

Start: 8/1/2015  
End: 6/8/2016

Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date:

Waiver Topic: Instructional Time Requirement Audit Penalty  
Ed Code Title: Fallen Below 180 Days  
Ed Code Section: EC Section 46206  
Ed Code Authority: 46200

Ed Code or CCR to Waive: 46200 to be waived

Outcome Rationale: In 2015-2016, Palo Verde Union Elementary School made an inadvertently made an error in their annual calendar and miscalculated the number of foggy day cancellations that were taken in this year, and only had 179 instructional days, instead of the required 180 days for their students. This was substantiated in the schools' annual audit finding. As a result, Palo Verde Union Elementary School is proposing to make up the lost instructional day on May 26, 2017 of this current school year, plus the additional 2nd year penalty day on August 9, 2017. This will allow us to make up the lost instructional day from the audit finding plus our penalty day for a total of 181 instructional days for 2017-2018 school year.

Student Population: 575

City Type: Rural

Local Board Approval Date: 2/8/2017

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ernie S Flores  
Position: Superintendent  
E-mail: eflores@palo-verde.k12.ca.us  
Telephone: 559-688-0648  
Fax: 559-688-0648
General Waiver

SUBJECT

Request by Fairfield-Suisun Unified School District to waive a portion of California Education Code Section 35330(b)(3), to authorize expenditures of school district funds for students to travel out-of-state.

Waiver Numbers:
- Fairfield-Suisun Unified School District 12-4-2017
- Fairfield-Suisun Unified School District 17-4-2017

SUMMARY OF THE ISSUES

Fairfield-Suisun Unified School District (FSUSD) requests a waiver of California Education Code (EC) Section 35330(b)(3), to authorize expenditures of school district funds for its students who traveled out-of-state to Texas and Kentucky, as part of each school's STEM Robotics program.

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) approve these waiver requests.

Authority for Waiver: EC Section 33050

RECOMMENDATION

☑ Approval ☐ Approval with conditions ☐ Denial

The CDE recommends approval to waive a portion of EC Section 35330(b)(3), for the period shown on Attachment 1, to authorize expenditures of school district funds for FSUSD students who traveled out-of-state to Kentucky and Texas, as part of each school's STEM Robotics program.

SUMMARY OF KEY ISSUES

EC Section 35330(b)(3) states, "...no expenses of pupils participating in a field trip or excursion to other state, the District of Columbia, or a foreign country authorized by this section shall be paid with school district funds."

The FSUSD requests a waiver of EC Section 35330(b)(3). In February 2017, students
from Grange Middle School and Armijo High School earned the right to represent California at the VEX Worlds Competition that took place April 19, 2017 through April 22, 2017, in Kentucky. VEX Worlds 2017 was the world’s largest robotics competition with over 16,000 participants from 37 nations. In March 2017, students from Fairfield and Armijo High Schools earned the right to represent California at the first Robotics Worlds Competition that took place April 19, 2017 through April 22, 2017, in Texas.

The district states in its waiver application that these trips provided students with an experience of 21st Century Skill application and culture, in a way that would not be available to them otherwise. The competitions impacted student achievement as the students applied skills such as creativity, communication, and collaboration, as well as advanced STEM concepts.

Based on the reasons provided by the district for traveling to Kentucky and Texas, the CDE recommends approval of these waivers to authorize expenditures of school district funds for FSUSD students who traveled out-of-state to Kentucky and Texas in April 2017.

**Demographic Information**: The FSUSD has a student population of 21,607 and is located in the suburban city of Fairfield in Solano 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**

Previously, at the September 2016 SBE meeting, FSUSD had waiver 15-5-2016 approved for out-of-state travel to Kentucky.

The SBE has approved all similar waivers in the past. Most recently, at the January 2017 SBE meeting, a waiver for out-of-state travel to Oregon and Nevada for the Yreka Union High 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: Fairfield-Suisun Unified School District General Waiver Request Waiver 12-4-2017 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Fairfield-Suisun Unified School District General Waiver Request Waiver
17-4-2017 (3 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/County</th>
<th>Period of Request</th>
<th>District’s Request</th>
<th>CDE Recommended Action</th>
<th>Local Board Approval Date</th>
<th>Bargaining Unit, Representative(s) Consulted, Date, and Position</th>
<th>Potential Annual Penalty Without Waiver</th>
<th>Fiscal Status</th>
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<tr>
<td>12-4-2017</td>
<td>Fairfield-Suisun Unified School District</td>
<td>Requested: April 19, 2017 to April 22, 2017</td>
<td>To authorize expenditures of school district funds for its students who traveled out-of-state to Kentucky, as part of each school’s STEM Robotics program.</td>
<td>Approval</td>
<td>04/13/2017</td>
<td>Fairfield-Suisun Unified Teachers Association, Laurel Salerno-White, President 04/05/2017 Neutral</td>
<td>No statewide fiscal impact of waiver approval or denial.</td>
<td>Positive</td>
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<td>17-4-2017</td>
<td>Fairfield-Suisun Unified School District</td>
<td>Requested: April 19, 2017 to April 22, 2017</td>
<td>To authorize expenditures of school district funds for its students who traveled out-of-state to Texas, as part of each school’s STEM Robotics program.</td>
<td>Approval</td>
<td>04/13/2017</td>
<td>Fairfield-Suisun Unified Teachers Association, Laurel Salerno-White, President 04/05/2017 Neutral</td>
<td>No statewide fiscal impact of waiver approval or denial.</td>
<td>Positive</td>
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**California Department of Education**
**WAIVER SUBMISSION - General**

CD Code: 4870540  Waiver Number: 12-4-2017  Active Year: 2017

Date In: 4/14/2017 3:25:35 PM

Local Education Agency: Fairfield-Suisun Unified School District
Address: 2490 Hilborn Rd.
Fairfield, CA 94534

Start: 4/18/2017  End: 4/23/2017

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Out-of-State Use of Funds and Transportation Allowances
Ed Code Title: Out-of-State Use of Funds and Transportation Allowances
Ed Code Section: *Education Code* 35330 (B3)
Ed Code Authority: *Education Code* 33050

Ed Code or CCR to Waive:
35330.(a) The governing board of a school district or the county superintendent of schools of a county may: (1) Conduct field trips or excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or school band activities to and from places in the state, any other state, the District of Columbia, or a foreign country for pupils enrolled in elementary or secondary schools. A field trip or excursion to and from a foreign country may be permitted to familiarize students with the language, history, geography, natural sciences, and other studies relative to the district’s course of study for pupils. (2) Engage instructors, supervisors, and other personnel to contribute their services over and above the normal period for which they are employed by the district, if necessary, and provide equipment and supplies for the field trip or excursion. (3) Transport by use of district equipment, contract to provide transportation, or arrange transportation by the use of other equipment, of pupils, instructors, supervisors or other personnel to and from places in the state, another state, the District of Columbia, or a foreign country where those excursions and field trips are being conducted, provided that, when district equipment is used, the governing board shall secure liability insurance, and if travel is to and from a foreign country, liability insurance shall be secured from a carrier licensed to transact insurance business in the foreign country. (4) Provide supervision of pupils involved in field trips or excursions by certificated employees of the district. (b) (1) No pupil shall be prevented from making the field trip or excursion because of lack of sufficient funds. To this end, the governing board shall coordinate efforts of community service groups to supply funds for pupils in need. (2) No group shall be authorized to take a field trip or excursion authorized by this section if a pupil who is a member of an identifiable group will be excluded from participation in the fieldtrip or excursion because of lack of sufficient funds. [(3) No expenses of pupils participating in a field trip or excursion to other state, the District of Columbia, or a foreign country authorized by this section shall be paid with school district funds.]

Expenses of instructors, chaperones, and other personnel participating in a field trip or excursion authorized by this section may be paid from school district funds, and the school district may pay from school district funds all incidental expenses for the use of school district equipment during a field trip or excursion authorized by this section. (c) (1) The attendance or
participation of a pupil in a field trip or excursion authorized by this section shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in the fiscal year. Credited attendance resulting from a field trip or excursion shall be limited to the amount of attendance that would have accrued had the pupils not been engaged in the field trip or excursion. (2) Credited attendance shall not exceed 10 schooldays except in the case of pupils participating in a field trip or excursion in connection with courses of instruction, or school-related educational activities, and which are not social, cultural, athletic, or school band activities. (d) All persons making the field trip or excursion shall be deemed to have waived all claims against the district, a charter school, or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents or guardians of pupils taking out-of-state field trips or excursions shall sign a statement waiving all claims. No transportation allowances shall be made by the Superintendent for expenses incurred with respect to field trips or excursions that have an out-of-state destination. A school district that transports pupils, teachers, or other employees of the district in school buses within the state and to destinations within the state, pursuant to the provisions of this section, shall report to the Superintendent on forms prescribed by him or her the total mileage of school buses used in connection with educational excursions. In computing the allowance to a school district for regular transportation there shall be deducted from that allowance an amount equal to the depreciation of school buses used for the transportation in accordance with rules and regulations adopted by the Superintendent.

Outcome Rationale: Fairfield-Suisun Unified School District requests a waiver of EC Section 35330(d) to allow the students from Grange Middle School and Armijo High School to use district funds to travel out-of-state to Kentucky, as part of the STEM Robotics program at each school.

In February 2017, students from the two schools earned the right to represent California at the VEX Worlds Competition which takes place April 19, 2017 to April 22, 2017. Without district financial support, the students would not be able to attend the trip. This trip is both educationally and culturally enlightening for the predominantly low-income students.

This trip provides Fairfield-Suisun Unified School District students with an experience of 21st Century Skill application and culture, in a way that will not be available to them otherwise. This competition impacts student achievement as the students are applying skills such as creativity, communication, and collaboration, as well as advanced STEM concepts. VEX Worlds 2017 was the world’s largest robotics competition with over 16,000 participants from 37 nations.

The Waiver will allow the school district to use state funds to support the students who would not otherwise have had the funds to attend. The cost of this trip is approximately $13,900, which includes transportation, accommodations, and food.

Student Population: 21607

City Type: Suburban

Public Hearing Date: 4/13/2017
Public Hearing Advertised: Notices posted at the District Office, two impacted school sites, the government center, two local Post Offices, and the District website.

Local Board Approval Date: 4/13/2017
Community Council Reviewed By: Grange School Site Council (4/7/2017) and Armijo School Site Council (3/16/2017)  
Community Council Reviewed Date: 4/7/2017  
Community Council Objection: N  
Community Council Objection Explanation:  
Audit Penalty YN: N  
Categorical Program Monitoring: N  
Submitted by: Dr. Sheila McCabe  
Position: Executive Director  
E-mail: sheilamc@fsusd.org  
Telephone: 707-399-1299  
Fax:  
Bargaining Unit Date: 04/05/2017  
Name: Fairfield-Suisun Unified Teachers Association  
Representative: Laurel Salerno-White  
Title: President  
Position: Neutral  
Comments:
out-of-state use of funds and transportation allowances

attachment 3

page 1 of 3

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4870540 Waiver Number: 17-4-2017 Active Year: 2017

Date In: 4/18/2017 6:29:13 AM

Local Education Agency: Fairfield-Suisun Unified School District
Address: 2490 Hilborn Rd.
Fairfield, CA 94534

Start: 4/18/2017 End: 4/23/2017

Waiver Renewal: N Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Out-of-State Use of Funds and Transportation Allowances
Ed Code Title: Out-of-State Use of Funds and Transportation Allowances
Ed Code Section: EC35330 B3
Ed Code Authority: Education Code 33050

Ed Code or CCR to Waive: 35330.(a) The governing board of a school district or the county superintendent of schools of a county may: (1) Conduct field trips or excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or school band activities to and from places in the state, any other state, the District of Columbia, or a foreign country for pupils enrolled in elementary or secondary schools. A field trip or excursion to and from a foreign country may be permitted to familiarize students with the language, history, geography, natural sciences, and other studies relative to the district's course of study for pupils. (2) Engage instructors, supervisors, and other personnel to contribute their services over and above the normal period for which they are employed by the district, if necessary, and provide equipment and supplies for the field trip or excursion. (3) Transport by use of district equipment, contract to provide transportation, or arrange transportation by the use of other equipment, of pupils, instructors, supervisors or other personnel to and from places in the state, another state, the District of Columbia, or a foreign country where those excursions and field trips are being conducted, provided that, when district equipment is used, the governing board shall secure liability insurance, and if travel is to and from a foreign country, liability insurance shall be secured from a carrier licensed to transact insurance business in the foreign country. (4) Provide supervision of pupils involved in field trips or excursions by certificated employees of the district. (b) (1) No pupil shall be prevented from making the field trip or excursion because of lack of sufficient funds. To this end, the governing board shall coordinate efforts of community service groups to supply funds for pupils in need. (2) No group shall be authorized to take a field trip or excursion authorized by this section if a pupil who is a member of an identifiable group will be excluded from participation in the fieldtrip or excursion because of lack of sufficient funds. (3) [No expenses of pupils participating in a field trip or excursion to other state, the District of Columbia, or a foreign country authorized by this section shall be paid with school district funds.] Expenses of instructors, chaperones, and other personnel participating in a field trip or excursion authorized by this section may be paid from school district funds, and the school district may pay from school district funds all incidental expenses for the use of school district equipment during a field trip or excursion authorized by this section. (c) (1)
participation of a pupil in a field trip or excursion authorized by this section shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in the fiscal year. Credited attendance resulting from a field trip or excursion shall be limited to the amount of attendance that would have accrued had the pupils not been engaged in the field trip or excursion. (2) Credited attendance shall not exceed 10 schooldays except in the case of pupils participating in a field trip or excursion in connection with courses of instruction, or school-related educational activities, and which are not social, cultural, athletic, or school band activities. (d) All persons making the field trip or excursion shall be deemed to have waived all claims against the district, a charter school, or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents or guardians of pupils taking out-of-state field trips or excursions shall sign a statement waiving all claims. No transportation allowances shall be made by the Superintendent for expenses incurred with respect to field trips or excursions that have an out-of-state destination. A school district that transports pupils, teachers, or other employees of the district in school buses within the state and to destinations within the state, pursuant to the provisions of this section, shall report to the Superintendent on forms prescribed by him or her the total mileage of school buses used in connection with educational excursions. In computing the allowance to a school district for regular transportation there shall be deducted from that allowance an amount equal to the depreciation of school buses used for the transportation in accordance with rules and regulations adopted by the Superintendent.

Outcome Rationale: Fairfield-Suisun Unified School District requests a waiver to allow the students from Fairfield High School and Armijo High School to use district funds to travel out-of-state to Texas, as part of the STEM Robotics program at each school.

In March 2017, students from the two schools earned the right to represent California at the FIRST Robotics Worlds Competition which takes place April 19, 2017 to April 22, 2017. Without district financial support, the students would not be able to attend the trip. This trip is both educationally and culturally enlightening for the predominantly low-income students.

This trip provides Fairfield-Suisun Unified School District students with an experience of 21st Century Skill application and culture, in a way that will not be available to them otherwise. This competition impacts student achievement as the students are applying skills such as creativity, communication, and collaboration, as well as advanced STEM concepts.

The Waiver will allow the school district to use state funds to support the students who would not otherwise have had the funds to attend. The cost of this trip is approximately $8,600, which includes transportation, accommodations, and food. The students have been fundraising, and will continue to raise funds from the community. Even with these efforts, the children will need support from school district funds.

Student Population: 21607

City Type: Suburban

Public Hearing Date: 4/13/2017
Public Hearing Advertised: Notices posted at the District Office, two impacted school sites, the government center, two local Post Offices, and the District website.

Local Board Approval Date: 4/13/2017
Community Council Reviewed By: FHS School Site Council (on 4/6/17) and AHS School Site Council (on 3/16/2017) gave approval.
Community Council Reviewed Date: 4/6/2017
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Sheila McCabe
Position: Executive Director
E-mail: sheilamc@fsusd.org
Telephone: 707-399-1299
Fax:

Bargaining Unit Date: 04/05/2017
Name: Fairfield-Suisun Unified Teachers Association
Representative: Laurel Salerno-White
Title: President
Position: Neutral
Comments:
California State Board of Education
Meeting Agenda Items for July 12-13, 2017

WAIVER ITEM W-10
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2017 AGENDA

General Waiver

SUBJECT
Request by Coffee Creek 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: 24-3-2017

SUMMARY OF THE ISSUES

At the time this waiver request was submitted, the Coffee Creek Elementary School District (ESD) in Trinity County reported that it had five students enrolled in the first through eighth grades. Education Code (EC) Section 35780(a) requires the Trinity 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 Coffee Creek 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 2017–18 and 2018–19 school years. The district expects enrollment to increase in subsequent years. The Trinity County Superintendent of Schools supports this request.

Authority for Waiver: EC Section 33050

RECOMMENDATION

Approval □ Approval with conditions □ Denial

The California Department of Education (CDE) recommends that the SBE approve the request by the Coffee Creek 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 Coffee Creek ESD reports that the current enrollment for the first through eighth grades of the district is five.
For the past 20 years, enrollment in the Coffee Creek ESD has ranged from nine to 15 students. The table below documents the first through eighth grade enrollment levels for the prior five years.

**Coffee Creek ESD first through eighth grade enrollment**

<table>
<thead>
<tr>
<th>Year</th>
<th>Enrollment</th>
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<tr>
<td>2011–12</td>
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<td>2012–13</td>
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<td>2014–15</td>
<td>10</td>
</tr>
<tr>
<td>2015–16</td>
<td>9</td>
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</table>

Source: California Longitudinal Pupil Achievement Data System (CALPADS)

As can be seen in the above table, enrollment in the Coffee Creek ESD has been relatively constant for the past five years. However, for the current year, enrollment is below the minimum established in EC Section 35780 (and is expected to be below the minimum for 2017–18 and perhaps 2018–19). The Coffee Creek School hosts a three day per week “Play Group,” which provides a pre-school curriculum and activities for three- to five-year old children in the community. There currently are seven students in this program who will be entering kindergarten in the near future. These future students will bring enrollment back to the previous levels.

The Trinity County Superintendent of Schools supports the district’s waiver request, noting that the district has been in existence for over 75 years and is well supported by the Coffee Creek community. She further notes that “it would be a travesty to lapse it based on one or two years of lower attendance.”

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 Coffee Creek ESD to waive subdivision (a) of EC Section 35780.

**Demographic Information:**

The Coffee Creek ESD has a student population of five and is located in a rural area of Trinity 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 Little Shasta ESD (Siskiyou County) at the July 2016 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: Coffee Creek Elementary School District General Waiver Request 24-3-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
## Summary Table
California Education Code Section 35780(a)

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<th>Period of Request</th>
<th>Bargaining Unit, Representatives Consulted, Date, and Position</th>
<th>Public Hearing and Board Approval Date</th>
<th>Public Hearing Advertisement</th>
<th>SSC/Advisory Committee Position</th>
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| 24-3-2017     | Coffee Creek Elementary School District | **Requested:** July 1, 2017, to June 30, 2019  
**Recommended:** May 1, 2017, to April 29, 2019 | District has no bargaining units. | 3/14/17 | Notice was posted at the Coffee Creek School and in three places within the district. | School Site Council and District Advisory Committee  
3/14/17  
No objections |

Created by California Department of Education  
April 6, 2017
Elimination of Lapsation Requirement
Attachment 2
Page 1 of 2

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5371670  Waiver Number: 24-3-2017  Active Year: 2017

Date In: 3/20/2017 5:40:17 PM

Local Education Agency: Coffee Creek Elementary School District
Address: Coffee Creek Rd. & Ridgewood Rd.
Coffee Creek, CA 96091

Start: 7/1/2017  End: 6/30/2019

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: 3.3050

Ed Code or CCR to Waive: Article 5 Education Code 3(a)5780--Lapsation (a) Any school district which has been organized for more than three years shall be lapsed as provided in this article if the number of registered electors in the district is less than six or if the average daily attendance of pupils in the school or schools maintained by the district is less than six in grades 1 through 8.......

Outcome Rationale: Coffee Creek Elementary School District is a throwback to the days of the one room school. This single school district is the focal point of the community and provides a quality academic program for students in this unique setting. While small in size, the school is rich in opportunities for students. The small class size allows students to receive individual and targeted instruction as necessary. Students are very involved in their learning which includes traditional instruction and hands on activities. Recent science, technology, engineering and math (STEM) experiments and projects include: building prototype ice stations using recycled materials, constructing spaghetti bridges and measuring the load limits of the various designs, working in the school garden planting, nurturing and harvesting produce that is used in the lunch program. All of these activities are incorporated into student writing assignments and oral reports. Being located at the "Gateway to the Trinity Alps" opens up lots of outdoor education possibilities. Students study, record and classify the various types of plant and animal life native to the area. Nature walks are common activities that students follow up by writing and drawing. The location allows students to participate in cross country skiing and snowboarding for part of their PE right at the school site. The recent improvements to the internet connection has made the incorporation of more blended learning a reality. The school is well equipped with table top computers, chrome books and classroom smartboards. There is another small district located within ten miles of Coffee Creek School at Trinity Center. The Coffee Creek Governing Board has had preliminary talks with the Superintendent of CBV of the Trinity Alps Unified School District located in Weaverville since Coffee Creek and Trinity Center do not have bus service which would make it difficult, especially in winter for Coffee
Creek parents to get their students to Trinity Center School. Coffee Creek School is the location of a three day per week "Play Group" which provides pre-school type curriculum and activities to 3 to 5 year olds. There are currently 7 students in the playgroup that will be entering kindergarten in the near future.

Student Population: 5

City Type: Rural

Public Hearing Date: 3/14/2017
Public Hearing Advertised: A notice of Public Hearing was posted at the school and in three places in the District

Local Board Approval Date: 3/14/2017

Community Council Reviewed By: School Site Council and District Advisory Committee
Community Council Reviewed Date: 3/14/2017
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Edward Traverso
Position: Principal/Superintendent
E-mail: etraverso@tcoek12.org
Telephone: 530-266-3344
California State Board of Education
Meeting Agenda Items for July 12-13, 2017

WAIVER ITEM W-11
California Education Code (EC) Section 5091 requires a governing board to make a provisional appointment or order an election to fill a vacancy on the board within 60 days of the vacancy. EC Section 5091 further requires the county superintendent of schools (county superintendent) to order an election to fill the vacancy if the board does not take action within the 60 days. Approval of this waiver request removes the 60-day limit and provides the Indian Springs Elementary School District (ESD) additional time to make an appointment.

Authority for Waiver: EC Section 33050

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) approve the request by the Indian Springs ESD to waive the portions of EC Section 5091 (as indicated in Attachment 3), which require a governing board to take action to fill a vacancy on the board within 60 days.

SUMMARY OF KEY ISSUES

EC Section 5091 provides that a school district governing board make a provisional appointment or order an election to fill a vacancy on the board within 60 days of a vacancy. EC Section 5091 further provides that, if the governing board fails to take such action, the county superintendent must order an election to fill the vacancy. Approval of this waiver request would remove the 60-day limit, allowing the Indian Springs ESD additional time to make a provisional appointment.

A member of the Indian Springs ESD governing board resigned on November 14, 2016.
Although district staff actively recruited for the vacancy on its board, no valid candidate applications were received within the required 60-day period (an application from a non-registered voter was submitted). As of the date of preparation of this agenda item, a candidate for the vacancy has been recruited and the district governing board plans to take action on an appointment following SBE approval of the waiver request.

The Shasta County Superintendent (with current responsibility for calling the election for the board vacancy) supports the district’s waiver request.

Given the above circumstances, the lack of local opposition to the waiver request, and the CDE’s determination that none of the reasons for denial in EC Section 33051(a) exist, the CDE recommends that the SBE approve the request by the Indian Springs ESD to waive portions of EC Section 5091 (as indicated in Attachment 3), which require a governing board to take action to fill a vacancy on the board within 60 days.

**Demographic Information:**

The Indian Springs ESD has a student population of 13 and is located in a rural area of 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**

The SBE previously has approved similar waiver requests. The most recent approval was at the November 2015 SBE meeting for the Igo, Ono, Platina Union ESD (Shasta County).

**FISCAL ANALYSIS (AS APPROPRIATE)**

Approval of the waiver request will not have fiscal effects on any local or state agency. Disapproval of the request may result in election costs for the Indian Springs ESD.

**ATTACHMENT(S)**

Attachment 1: Summary Table (1 page)

Attachment 2: Indian Springs Elementary School District General Waiver Request 17-3-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Portions of California Education Code Section 5091 Recommended for Waiver (1 page)
### 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>
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Created by California Department of Education
May 1, 2017
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<th>California Department of Education</th>
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<td>WAIVER SUBMISSION - General</td>
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CD Code: 4570037  Waiver Number: 17-3-2017  Active Year: 2017

Date In: 3/19/2017 3:42:33 PM

Local Education Agency: Indian Springs Elementary  
Address: 25299 Big Bend Rd.  
Big Bend, CA 96011

Start: 11/14/2016  End: 4/30/2017

Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date:

Waiver Topic: School District Reorganization  
Ed Code Title: 60 day Requirement to Fill Board Vacancy  
Ed Code Section: 5091-92  
Ed Code Authority: 33051

Ed Code or CCR to Waive: 60 day Provisional Appointment Requirement

Outcome Rationale: Indian Springs Elementary School District Board Member resigned from the Board of Trustees on November 14, 2016. The timing of the resignation requires a provisional appointment of a new Board member after the organizational meeting in December 2016. The Indian Springs Elementary School District staff have actively recruited for the position. We posted the vacancy in three public places in the district and on Facebook and the Big Bend Community Forum seven times. Unfortunately, we have not received any valid (only one was received and the applicant is not a registered voter.) applicants. The district is requesting more time to continue the search and appoint a new interested Board Member.

Student Population: 13

City Type: Rural

Public Hearing Date: 3/8/2017  
Public Hearing Advertised: Notices were posted at the local grocery store and at the school.

Local Board Approval Date: 3/8/2017

Community Council Reviewed By: Indian Springs Elementary School Board of Trustees  
Community Council Reviewed Date: 3/8/2017  
Community Council Objection: N  
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Mr. Edward Traverso
Position: Principal/Superintendent
E-mail: etraverso@shastalink.k12.ca.us
Telephone: 530-337-6219
Fax:

Bargaining Unit Date: 02/24/2017
Name: California Teachers Association (CTA)
Representative: Patti Lenahan
Title: Lead Teacher
Position: Support
Comments:

Bargaining Unit Date: 02/24/2017
Name: CSEA
Representative: Sandy McKinney
Title: President
Position: Support
Comments:
Portions of California Education Code Section 5091 Recommended for Waiver

5091. (a) (1) Whenever a vacancy occurs, or whenever a resignation has been filed with the county superintendent of schools containing a deferred effective date, the school district or community college district governing board shall[, within 60 days of the vacancy or the filing of the deferred resignation,] either order an election or make a provisional appointment to fill the vacancy. A governing board member may not defer the effective date of his or her resignation for more than 60 days after he or she files the resignation with the county superintendent of schools.

(2) In the event that a governing board fails to make a provisional appointment or order an election[ within the prescribed 60-day period] as required by this section, the county superintendent of schools shall order an election to fill the vacancy.

(b) When an election is ordered, it shall be held on the next established election date provided pursuant to Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code not less than 130 days after the order of the election.

(c) (1) If a provisional appointment is made[ within the 60-day period], the registered voters of the district may, within 30 days from the date of the appointment, petition for the conduct of a special election to fill the vacancy. A petition shall be deemed to bear a sufficient number of signatures if signed by at least the number of registered voters of the district equal to 11/2 percent of the number of registered voters of the district at the time of the last regular election for governing board members, or 25 registered voters, whichever is greater. However, in districts with less than 2,000 registered voters, a petition shall be deemed to bear a sufficient number of signatures if signed by at least 5 percent of the number of registered voters of the district at the time of the last regular election for governing board members.

Portions recommended for waiver are bracketed.
California State Board of Education
Meeting Agenda Items for July 12-13, 2017

WAIVER ITEM W-12
## CALIFORNIA STATE BOARD OF EDUCATION

### JULY 2017 AGENDA

**Specific Waiver**

**SUBJECT**

Request by nine 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.

<table>
<thead>
<tr>
<th>Waiver Numbers</th>
<th>District Name and Date</th>
</tr>
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<tbody>
<tr>
<td>Brawley Union High School District 34-4-2017</td>
<td></td>
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<tr>
<td>Briggs Elementary School District 26-4-2017</td>
<td></td>
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<tr>
<td>Butte County Office of Education 9-3-2017</td>
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<tr>
<td>Butte County Office of Education 10-3-2017</td>
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<tr>
<td>Columbia Elementary School District 22-4-2017</td>
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<td>Marin County Office of Education 6-4-2017</td>
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<tr>
<td>Mariposa County Unified School District 15-4-2017</td>
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<td>Mendota Unified School District 2-5-2017</td>
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<tr>
<td>Terra Bella Union Elementary School District 6-3-2017</td>
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<tr>
<td>Tulelake Basin Joint Unified School District 3-3-2017</td>
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</table>

**SUMMARY OF THE ISSUE(S)**

Specific authority is provided in California *Education Code* (*EC*) Section 52863 to allow the State Board of Education to waive the Schoolsite Council (SSC) requirements contained in *EC* Section 52852 of the School-Based Coordination Program Act that would hinder the success of the program implementation. These waivers must be renewed every two years.

**Authority for Waiver:** *EC* Section 52863

**RECOMMENDATION**

- [ ] Approval
- [x] Approval with conditions
- [ ] Denial

The California Department of Education (CDE) recommends approval with conditions (see Attachment 1).

**SUMMARY OF KEY ISSUES**

The Brawley Union High School District is requesting to renew a shared SSC with composition change for two small schools: Desert Valley Continuation High School (7 teachers serving 144 students in grades nine through twelve) and Renaissance...
(Community Day) School (1 teacher serving 24 students in grades nine through twelve). Both schools are alternative education programs, with students constantly moving in and out of the schools. Located on the same campus in a rural area, the schools’ administration, teachers, and staff collaborate and share resources in many ways.

The Briggs Elementary School District is requesting to renew a shared SSC for two schools: Briggs Elementary School (12 teachers serving 285 students in grades five through eight) and Olivelands Elementary School (13 teachers serving 257 students in kindergarten through grade four). Teachers from both schools meet for staff development days. The schools also share many staff including a principal, a resource teacher, a part-time school psychologist, a speech therapist, a music teacher, and the facility maintenance staff. They also have common Parent/Faculty Organization, English Learner Advisory Committee, and Migrant Committee. Located near each other in a rural area, the schools draw students from the same attendance area.

The Butte County Office of Education is requesting a shared SSC with composition change for two very small schools: Butte County Community School - LEAD (1 teacher serving 20 students in grades seven through twelve) and RISE School (1 teacher serving 17 students in grades seven and eight). Both schools are county community schools serving students with truancy issues. They have the same principal and are located on the same campus in a rural area.

The Butte County Office of Education is requesting an SSC composition change for a very small school: Come Back Butte Charter School (1.9 teachers serving 62 students in grades eleven and twelve). The school is located in a rural area.

The Columbia Elementary School District is requesting to renew a shared SSC for two schools: Columbia Elementary School (27 teachers serving 441 students in kindergarten through grade four) and Mountain View Middle School (19 teachers serving 349 students in grades five through eight). The two schools share a superintendent in addition to several staff members. They are located in a suburban area.

The Marin County Office of Education is requesting a shared SSC with composition change for three small schools: Marin’s Community School (1 teacher serving 27 students in grades six through twelve), Marin County Juvenile Court School (1 teacher serving 15 students in grades seven through twelve), and Phoenix Academy (1 teacher serving 17 students in grades nine through twelve). The three schools are all alternative education programs and students can potentially move through all three schools. Located in a suburban area, the schools operate with common site administration, curriculum, and share services.

The Mariposa County Unified School District is requesting a shared SSC with composition change for two schools: Greeley Hill Elementary School (4 teachers serving 61 students in kindergarten through grade eight) and Coulterville High School (1 teacher serving 3 students in grades nine through twelve). Located on the same campus in a rural area, the two schools plan school activities together.
The Mendota Unified School District is requesting a shared SSC with composition change for two small schools: Mendota Community Day School (5 students in grades seven through twelve) and Mendota Continuation High School (18 students in grades nine through twelve) with 3 teachers teaching at both schools. The schools are alternative schools and are located in a rural area.

The Terra Bella Union Elementary School District is requesting to renew a shared SSC for two schools: Terra Bella Elementary School (32 teachers serving 636 students in kindergarten through grade five) and Carl F. Smith Middle School (14 teachers serving 287 students in grades six through eight). The administrators in the two-school district plan and collaborate on categorical programs on a regular basis. They are located in close proximity in a rural area.

The Tulelake Basin Joint Unified School District is requesting to renew a shared SSC for two small schools: Tulelake Elementary School (13 teachers serving 224 students in kindergarten through grade six) and Tulelake High School (18 teachers serving 199 students in grades seven through twelve). The two schools are located in a remote rural area.

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

The CDE has previously presented requests from local educational agencies (LEAs) to waive some of the SSC requirements in EC 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 (5 Pages)

Attachment 2: Brawley Union High School District Specific Waiver Request 34-4-2017 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Briggs Elementary School District Specific Waiver Request 26-4-2017 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Butte County Office of Education Specific Waiver Request 9-3-2017 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 5: Butte County Office of Education Specific Waiver Request 10-3-2017 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Columbia Elementary School District Specific Waiver Request 22-4-2017 (1 Page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Marin County Office of Education Specific Waiver Request 6-4-2017 (1 Page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Mariposa County Unified School District Specific Waiver Request 15-4-2017 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Mendota Unified School District Specific Waiver Request 2-5-2017 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: Terra Bella Union Elementary School District Specific Waiver Request 6-3-2017 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Tulelake Basin Joint Unified School District Specific Waiver Request 3-3-2017 (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>
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<tbody>
<tr>
<td>34-4-2017</td>
<td>Brawley Union High School District for Desert Valley (Continuation) High School (1363081 1331354) and Renaissance (Community Day) School (1363081-1330141)</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 parent/community member (selected by parents), and two students (selected by peers).</td>
<td>Yes Requested: 08/24/2017 to 06/30/2020 Recommended: 08/24/2017 to 08/23/2019</td>
<td>Brawley Union High School Teachers Association Sherrie Newell President 04/26/2017</td>
<td>Desert Valley (Continuation) High School and Renaissance (Community Day) School shared SSC 04/26/2017</td>
<td>04/12/2017</td>
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<td>26-4-2017</td>
<td>Briggs Elementary School District for Briggs Elementary School (5672447 6054969) and Olivelands Elementary School (5672447 6054977)</td>
<td>Shared SSC</td>
<td>Approval with conditions: the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parents/community members (selected by parents).</td>
<td>Yes Requested: 07/01/2017 to 06/30/2019 Recommended: 07/01/2017 to 06/30/2019</td>
<td>Briggs Elementary School District Teachers Association Javier Mena President 04/06/2017</td>
<td>Briggs Elementary School and Olivelands Elementary School shared SSC; District English Learner Advisory Committee 04/06/2017</td>
<td>04/19/2017</td>
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<td>Local Educational Agency (LEA) for School(s) (County-District-School Code[s])</td>
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<td>Butte County Office of Education for Butte County Community School - LEAD (0410041 0129817) and RISE School (0410041 0128264)</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), two parents/community members (selected by parents), and one student (selected by peers).</td>
<td>No</td>
<td>Butte County Teachers Association Rachel Frank President 10/27/2016</td>
<td>Butte County Community School - LEAD SSC and RISE School SSC 01/10/2017</td>
<td>03/13/2017</td>
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<td>10-3-2017</td>
<td>Butte County Office of Education for Come Back Butte Charter School (0410041 0134213)</td>
<td>SSC composition change</td>
<td>Approval with conditions: the SSC must consist of one principal, two classroom teachers (selected by peers), two parents/community members (selected by parents), and one student (selected by peers).</td>
<td>No</td>
<td>Butte County Teachers Association Rachel Frank President 10/27/2016</td>
<td>Butte County Community School - LEAD SSC and RISE School SSC 01/10/2017</td>
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<td>22-4-2017</td>
<td>Columbia Elementary School District for Columbia Elementary School (4569948 6050181) and Mountain View Middle School (4569948 6117857)</td>
<td>Shared SSC</td>
<td>Approval with conditions: the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parents/community members (selected by parents).</td>
<td>Yes</td>
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<td>California Department of Education Recommendation</td>
<td>Previous Waiver Yes or No</td>
<td>Period of Request/Period Recommended</td>
<td>Collective Bargaining Unit Position/Current Agreement</td>
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<td>6-4-2017</td>
<td>Marin County Office of Education for Marin's Community School (2110215 2130037), Marin County Juvenile Court School (2110215 0113183), and Phoenix Academy (2110215 2130102)</td>
<td>Shared SSC and composition change</td>
<td>Approval with conditions: the SSC must consist of one principal, one classroom teacher (selected by peers), one parent/community member (selected by parents), and one student (selected by peers).</td>
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<td>05/14/2017 to 05/14/2019</td>
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<td>Alternative Education Program Council/Advisory Committee 03/18/2017</td>
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<td>15-4-2017</td>
<td>Mariposa County Unified School District for Greeley Hill Elementary School (2265532 0132258) and Coulterville High School (2265532 2230076)</td>
<td>Shared SSC and composition change</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), four parents/community members (selected by parents), and two students (selected by peers).</td>
<td>No</td>
<td>07/01/2017 to 06/30/2018</td>
<td>California School Employees Association Tammi Richards President 04/05/2017</td>
<td>Greeley Hill Elementary School and Coulterville High School SSC 03/31/2017</td>
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<td>Waiver Number</td>
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<td>California Department of Education Recommendation</td>
<td>Previous Waiver Yes or No Period of Request/Period Recommended</td>
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<td>2-5-2017</td>
<td>Mendota Unified School District for Mendota Community Day School (1075127 1030725) and Mendota Continuation High School (1075127 1030261)</td>
<td>Shared SSC and composition change</td>
<td>Approval with conditions: the SSC must consist of one principal, one classroom teacher (selected by peers), one parent/community member (selected by parents), and one student (selected by peers).</td>
<td>No Requested: 10/03/2016 to 10/05/2018</td>
<td>Mendota Teachers Association Robert Hamasaki President 03/01/2017</td>
<td>Mendota Continuation High School SSC 02/28/2017</td>
<td>03/08/2017</td>
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<td>6-3-2017</td>
<td>Terra Bella Union Elementary School District for Terra Bella Elementary School (5472199 6054415) and Carl F. Smith Middle School (5472199 6112510)</td>
<td>Shared SSC</td>
<td>Approval with conditions: the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parents/community members (selected by parents).</td>
<td>Yes Requested: 07/01/2017 to 06/30/2019</td>
<td>California School Employees Association-Chapter 764 Ruben Ornelas President 03/01/2017</td>
<td>Terra Bella Elementary School and Carl F. Smith Middle School shared SSC 03/08/2017</td>
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<td>3-3-2017</td>
<td>Tulelake Basin Joint Unified School District for Tulelake Elementary School (2573593 6025894) and Tulelake High School (2573593 4737250)</td>
<td>Shared SSC</td>
<td>Approval with conditions: the SSC must consist of one principal, four classroom teachers (selected by peers), one other school representative (selected by peers), three parents/community members (selected by parents), and three students (selected by peers).</td>
<td>Yes Requested: 07/01/2016 to 07/01/2018</td>
<td>Yes</td>
<td>Classified School Employees Association Teresa Perry President 02/23/2017</td>
<td>Tulelake Elementary School and Tulelake High School shared SSC 02/21/2017</td>
</tr>
</tbody>
</table>

Created by the California Department of Education
March 7, 2017
CD Code: 1363081 Waiver Number: 34-4-2017 Active Year: 2017

Date In: 4/27/2017 1:02:43 PM

Local Education Agency: Brawley Union High School District
Address: 480 North Imperial Ave.
Brawley, CA 92227

Start: 8/24/2017 End: 6/30/2020

Waiver Renewal: Y
Previous Waiver Number: 11-1-2016-W-12 Previous SBE Approval Date: 5/12/2016

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: Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law. 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.

Outcome Rationale: Renaissance Community Day School is comprised of 24 students and Desert Valley Alternative Education High School is comprised of 174 students. Brawley Union High School District is requesting that these two schools combine resources to form one school site council. Both schools reside on the same sit and frequently collaborate with joint department meetings. Teachers’ meetings, Parent Teacher club meetings and many school events are conducted as one school. Renaissance only employs one teacher and it is in the best interest of both schools to combine efforts in order to establish better communication between staff and parents and ensure academic achievement is continually being monitored and improved upon. The district is also requesting that the composition of their joint School Site Council be waived. Because both schools are alternative education schools, they tend to have revolving enrollment. It has been difficult establishing the required number of parents needed on the committee since the students are transferring into and out of the alternative education program every six weeks. We realize site councils are a requirement for school participation and are making every effort to ahve a viable council with the staff and parents available. Proposed Composition: 1 principal, 2 teachers (1 from Renaissance and 1 from Desert Valley High School), 1 parent, 2 students.
Student Population: 165

City Type: Rural

Local Board Approval Date: 4/12/2017

Council Reviewed By: School Site Council
Council Reviewed Date: 4/26/2017
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Jonine Trevino
Position: Special Projects Coordinator
E-mail: jtrevino@brawleyhigh.org
Telephone: 760-312-5819 x4067
Fax:

Bargaining Unit Date: 04/26/2017
Name: Brawley Union High School Teachers Association
Representative: Sherrie Newell
Title: Union President
Position: Support
Comments:
CD Code: 5672447 Waiver Number: 26-4-2017 Active Year: 2017

Date In: 4/21/2017 12:28:46 PM

Local Education Agency: Briggs Elementary School District
Address: 12465 Foothill Rd.
Santa Paula, CA 93060

Start: 7/1/2017 End: 6/30/2019

Waiver Renewal: Y
Previous Waiver Number: 11-6-2016-W-15 Previous SBE Approval Date: 9/9/2016

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 52863 Any governing board, on behalf of a school site council, may request the State Board of Education (SBE) to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. EC 52852 School Site councils for school sharing common services or attendance areas, administration and other characteristics. EC 52852 A School Site council shall be established at [each school] that 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 the parents; and, in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: The Briggs School district has two small elementary schools located near each other and serves common student and parent populations with no grade overlap and draw from a common attendance area.

Student Population: 545

City Type: Rural

Local Board Approval Date: 4/19/2017

Council Reviewed By: SSC, DELAC
Council Reviewed Date: 4/6/2017
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Ms. Debbie Cuevas
Position: Superintendent
E-mail: dcuevas@briggsasd.org
Telephone: 805-525-7540
Fax:

Bargaining Unit Date: 04/06/2017
Name: Briggs District Teachers Association
Representative: Javier Mena
Title: President
Position: Support
Comments:
Outcome Rationale: The Butte County Office of Education is requesting a shared SSC with composition change for two small schools: Butte County Community School-LEAD (1 teacher serving 20 students in grade seven through grade twelve), and RISE (1 teacher serving 17 students in grades seven through eight). These schools are county community schools serving students with truancy issues. They are located in a rural area and they share the same principal.

Under EC Section 52852, a Secondary Schoolsite Council would have to consist of at least 12 people: 1 principal, 3 teachers and 2 other school employees (6 total) and 3 parents or other community members as well as 3 students (6 total). This is an unworkable model since the total number of teachers is small.

LEAD & RISE are requesting the specific waiver be approved to join the two schoolsite councils and reduce the composition from 12 to 6 total members: two teachers plus the principal compose one half (3 total); and two parents/community members and one student compose the other half of the composition (3 total).
Council Reviewed Date: 1/10/2017
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Susie Kruse
Position: Categorical Programs Coordinator
E-mail: skruse@booe.org
Telephone: 530-532-5665
Fax:

Bargaining Unit Date: 10/27/2016
Name: Butte Co. Teachers Association
Representative: Rachel Frank
Title: President
Position: Neutral
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 0410041 Waiver Number: 10-3-2017 Active Year: 2017

Date In: 3/15/2017 9:32:17 AM

Local Education Agency: Butte County Office of Education
Address: 1859 Bird St.
Oroville, CA 95965

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: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or CCR to Waive: Requesting reduced composition in member for a small school. [Statute requires 12 members for a secondary schoolsite council]

Outcome Rationale: The Butte County Office of Education is requesting a school site council composition change for a small charter school: Come Back Butte Charter School (1.9 teachers serving 62 students in grades eleven through twelve). This small charter school is serving students returning to school after dropping out. It is located in a rural area with no other similar school within this LEA.

Under EC Section 52852, a Secondary Schoolsite Council would have to consist of at least 12 people: 1 principal, 3 teachers and 2 other school employees (6 total) and 3 parents or other community members as well as 3 students (6 total). This is an unworkable model since the total number of teachers is small.

CBBC is requesting the specific waiver be approved to reduce the composition from 12 to 6 total members: two teachers plus the principal compose one half (3 total); and three parents, students or community members compose the other half of the composition.

Student Population: 62

City Type: Rural

Local Board Approval Date: 3/13/2017

Council Reviewed By: Come Back Butte Charter Schoolsite Council
Council Reviewed Date: 11/15/2016
Council Objection: N
Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Susie Kruse
Position: Categorical Programs Coordinator
E-mail: skruse@bcoe.org
Telephone: 530-532-5665
Fax:

Bargaining Unit Date: 10/27/2016
Name: Butte Co. Teachers Association
Representative: Rachel Frank
Title: President
Position: Neutral
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4569948  Waiver Number: 22-4-2017  Active Year: 2017

Date In: 4/20/2017 2:25:57 PM

Local Education Agency: Columbia Elementary School District
Address: 10140 Old Oregon Trail
Redding, CA 96003

Start: 7/1/2017  End: 6/30/2019

Waiver Renewal: Y
Previous Waiver Number: 17-2-2015-W-12  Previous SBE Approval Date: 5/7/2015

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: A schoolsite council shall be established at each school which participates in school-based program coordination.

Outcome Rationale: There are two school sites. The elementary site is K-4 and the middle school is 5-8. The two sites share a Superintendent, Counselor, Psychologist, Nurse, Speech and Language Pathologist, etc. In order to streamline meetings, the site council has parents, teachers and community members associated with both sites in one site council as each site does not serve duplicate grade spans.

Student Population: 800

City Type: Suburban

Local Board Approval Date: 4/18/2017

Council Reviewed By: Site Council
Council Reviewed Date: 4/4/2017
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Erin Gillespie
Position: Administrative Assistant
E-mail: egillespie@columbiasd.com
Telephone: 530-223-1915 x103
Fax: 530-223-1915

Revised: 7/6/2017 2:17 PM
California Department of Education  
WAIVER SUBMISSION - Specific

CD Code: 2110215  
Waiver Number: 6-4-2017  
Active Year: 2017

Date In: 4/7/2017 4:12:01 PM

Local Education Agency: Marin County Office of Education  
Address: 1111 Las Gallinas Ave.  
San Rafael, CA 94913

Start: 5/14/2017  
End: 5/14/2019

Waiver Renewal: Y  
Previous Waiver Number: 23-3-2015  
Previous SBE Approval Date: 7/8/2015

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: As a school-site council shall be established at [each school] which participates in a school-based program coordination. The secondary school-site council shall be composed of a [1 principal, 3 teachers and 2 other school employees (6 total) and 3 parents or other community members as well as 3 students (6 total).]

Outcome Rationale: We operate alternative education programs that are small in number. They operate with common site administration, curriculum and continuous shared services. Students have the potential to move through all three programs as indicated by their unique needs. Having one shared site council will allow for more continuity of services and program.

Student Population: 65

City Type: Suburban

Local Board Approval Date: 4/4/2017

Council Reviewed By: Alternative Education Program Council/Advisory Committee  
Council Reviewed Date: 3/18/2017  
Council Objection: N  
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: Y

Submitted by: Mr. Ken Lippi  
Position: Assistant Superintendent  
E-mail: klippi@marinschools.org  
Telephone: 415-499-5803
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 2265532 Waiver Number: 15-4-2017 Active Year: 2017

Date In: 4/17/2017 11:10:27 AM

Local Education Agency: Mariposa County Unified School District
Address: 5082 Old Highway North
Mariposa, CA 95338

Start: 7/1/2017 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: Waiver Evaluation Guidelines - ALL SECTIONS APPLY TO OUR SCHOOLS

California Department of Education staff places waiver requests consistent with the following evaluation guidelines on the SBE's Consent Calendar.

• The schools affected are small: Less than – 120 pupils each.
• The schools have a common site administration, curriculum, or other shared services, or
• The schools have a geographic proximity or similar student populations.

Outcome Rationale: our schools are quite small and rural. many pf the parents who participate in our Site Council have a student in each school. It is reasonable to expect them to be able to represent each of their children with only one meeting that covers both schools. Our schools are on the same campus and most of our activities are jointly planned and executed.

Student Population: 60

City Type: Rural

Local Board Approval Date: 4/13/2017

Council Reviewed By: School Site Council
Council Reviewed Date: 3/31/2017
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Mr. Ron Henderson  
Position: Director of Special Projects  
E-mail: rhenderson@mcusd.org  
Telephone: 209-742-0215  
Fax: 209-966-4549  

Bargaining Unit Date: 04/05/2017  
Name: CSEA  
Representative: Tammi Richards  
Title: President  
Position: Support  
Comments:  

Bargaining Unit Date: 04/05/2017  
Name: MCTA  
Representative: Alex Keeton  
Title: President  
Position: Support  
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1075127  Waiver Number: 2-5-2017  Active Year: 2017

Date In: 5/2/2017 1:49:07 PM

Local Education Agency: Mendota Unified School District
Address: 115 McCabe Ave.
Kerman, CA 93630

Start: 10/3/2016  End: 10/5/2018

Waiver Renewal: Y
Previous Waiver Number: 75-10-2012-W-05  Previous SBE Approval Date: 3/14/2013

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: Under the authority of California Education Code 52863 for a waiver of Education Code 52852, allowing one joint school site council with a reduced number and composition to function for two small rural schools, Mendota Continuation High School and Mendota Community Day School.

Outcome Rationale: At the current time, Mendota Continuation High School and Community Day Schools have 3 (three) full time teachers and approximately 28 (twenty eight) students combined. Because of the small number of students, we are requesting that the number of members of the SSC be comprised of: 1 (one) principal, 2 (two) parents and 1 (one) student. We are further requesting that this SSC be combined to serve both sites - Mendota Continuation High School and Mendota Community Day School.

Student Population: 28

City Type: Rural

Local Board Approval Date: 3/8/2017

Council Reviewed By: Mendota Continuation High School School Site Council
Council Reviewed Date: 2/28/2017
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Ms. Rebecca Gamez  
Position: Principal  
E-mail: rgamez@mendotaschools.org  
Telephone: 559-655-4412 x5002  
Fax: 559-655-2463  

Bargaining Unit Date: 03/01/2017  
Name: Mendota Teachers Association  
Representative: Robert Hamasaki  
Title: President  
Position: Support  
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 5472199  Waiver Number: 6-3-2017  Active Year: 2017

Date In: 3/10/2017 8:22:33 AM

Local Education Agency: Terra Bella Union Elementary
Address: 9121 Road 240
Terra Bella, CA 93270

Start: 7/1/2017  End: 6/30/2019

Waiver Renewal: Y
Previous Waiver Number: 8-4-2015-W-15  Previous SBE Approval Date: 7/8/2015

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: A school site council shall be established 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: A single school site council for the two schools and the district is the desired outcome. The combined ADA population of the two schools is approximately nine-hundred plus students. The principals regularly plan and collaborate on categorical programs for the district. The schools are located across the street from each other. The elementary school serves students in grades transitional kindergarten through fifth grade. The middle school serves grades sixth through eighth. The close proximity of the campuses lends itself to collaborative planning. Often, the parents who serve on the council have students at both schools. Their commitment is to the district as a whole. Staffing and running two site councils would fragment the implementation of the various mandated plans and would tax parent participation. Consistent parent participation would be difficult to maintain as the same parents would be serving on both site councils. Being a small district, with limited revenues, single site council would enhance, not hinder the decision making process concerning the categorical programs. A single site council would provide continuity and consistency in planning and implementation. The site principals will rotate membership on the council, the other attending as non-voting participant. The current site council strongly supports a single site council.

Student Population: 914

City Type: Rural

Local Board Approval Date: 3/9/2017

Council Reviewed By: Terra Bella Union Elementary School District School Site Council
Council Reviewed Date: 3/8/2017  
Council Objection: N  
Council Objection Explanation:  

Audit Penalty YN: N  
Categorical Program Monitoring: N  

Submitted by: Mr. Guadalupe Roman  
Position: Superintendent  
E-mail: groman@tbuesd.org  
Telephone: 559-535-4451 x1115  
Fax: 559-535-0314  

Bargaining Unit Date: 03/01/2017  
Name: CSEA Terra Bella Chapter 764  
Representative: Ruben Ornelas  
Title: President  
Position: Support  
Comments:  

Bargaining Unit Date: 03/01/2017  
Name: Terra Bella Teachers’ Group  
Representative: Debra Atwood  
Title: President  
Position: Support  
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 2573593    Waiver Number: 3-3-2017    Active Year: 2017

Date In: 3/2/2017 9:18:39 AM

Local Education Agency: Tulelake Basin Joint Unified
Address: 400 G St.
Tulelake, CA 96134

Start: 7/1/2016    End: 7/1/2018

Waiver Renewal: Y
Previous Waiver Number: 24-3-2014-W-11    Previous SBE Approval Date: 7/10/2014

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or CCR to Waive: EC 52863 Any governing board, on behalf of a school site council, may request the State Board of Education (SBE) to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

Outcome Rationale: Due to the small size of the Tulelake Basin Joint Unified School District (enrollment 488), this waiver will permit us to continue with a single school site council for our two schools:
Tulelake Elementary School K-6 (1 principal 13 teachers 224 enrollment);
Tulelake High School 7-12 (1 principal 18 teachers 199 enrollment)

Student Population: 488

City Type: Rural

Local Board Approval Date: 2/23/2017

Council Reviewed By: Tulelake Basin Joint Unified School District School Site Council
Council Reviewed Date: 2/21/2017
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Vanessa Jones
Position: Superintendent

Revised: 7/6/2017 2:17 PM
E-mail: vjones@tbjusd.org
Telephone: 530-667-2295
Fax: 530-667-4298

Bargaining Unit Date: 02/23/2017
Name: Classified School Employee Association
Representative: Teresa Perry Tulelake Basin Teachers A
Title: Shane Wood
Position: Support
Comments:

Bargaining Unit Date: 02/23/2017
Name: Tulelake Basin Teachers Association
Representative: Shane Wood
Title: Unit President
Position: Support
Comments:
California State Board of Education
Meeting Agenda Items for July 12-13, 2017

WAIVER ITEM W-13
### Specific Waiver

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>Action</th>
<th>Consent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request by Natomas Unified School District to waive, for two students with disabilities, California Education Code Section 51224.5(b), the requirement that all students complete a course in Algebra I (or equivalent) to be given a diploma of graduation, consistent with Education Code Section 56101.</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>Waiver Number: 30-3-2017</td>
<td></td>
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### SUMMARY OF THE ISSUE(S)

The local educational agency (LEA) requests 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 two special education students who are not able to meet the Algebra I 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 the student successfully complete a course in Algebra I (or its equivalent) for the 2016–17 graduating year. The student has met other course requirements stipulated by the governing board of the school district and California Section 51225.3 in order to receive a high school diploma.

### SUMMARY OF KEY ISSUES

For the review of this waiver request, the LEA provided the following documentation:

- A valid, current copy of the 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 the 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 I.

• The specific assistance the District provided to the student which included supplementary aids, services, accommodations, test modifications, and supports to attain the diploma-track goal, specifically for the Algebra I requirement.

• A copy of transcripts for the student highlighting attempts to pass Algebra I and pre-algebra classes.

• Assessment summaries that report the student participated in the Standardized Testing and Reporting program.

The above documentation was confidentially reviewed by a special education consultant. The LEA’s documentation provided facts indicating that failure to approve these waiver requests would result in the student 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: Natomas Unified School District Specific Waiver Request 30-3-2017 (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>
| 30-3-2017     | Natomas Unified School District | **Student Population**: 14,019  
**City Type**: Urban  
**County**: Sacramento | **Requested**:  
March 23, 2017 to  
May 25, 2017  
**Recommended**:  
March 23, 2017 to  
May 25, 2017 | 3/22/2017 |

Created by the California Department of Education  
April 24, 2017
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3475283  Waiver Number: 30-3-2017  Active
Year: 2017

Date In: 3/24/2017 11:36:23 AM

Local Education Agency: Natomas Unified School District
Address: 1901 Arena Blvd.
Sacramento, CA 95834

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:

*Education Code* Section 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/Mathematics I be waived for two students on an IEP who have met all requirements as articulated by the CDE Special Education Waiver process. The documents will be emailed separately from this submission due to the size.

Student Population: 14019
City Type: Urban

Local Board Approval Date: 3/22/2017

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Tracy Cobb
Position: Administrative Assistant
E-mail: tcobb@natomasunified.org
Telephone: 916-567-5434
Fax: 916-567-5441
California State Board of Education
Meeting Agenda Items for July 12-13, 2017

WAIVER ITEM W-14
Request by Fort Bragg Unified School District to waive California Education Code Section 56366.1(a), the requirement for state certification to allow an uncertified out-of-state nonpublic school, Mount Saint Vincent located in Denver, Colorado, to provide services to a California student with disabilities.

Waiver Number: 11-3-2017

SUMMARY OF THE ISSUE(S)

The Fort Bragg Unified School District (FBUSD) contacted multiple in-state nonpublic schools and nonpublic agencies (NPS/As), and residential treatment centers to offer a free and appropriate public education (FAPE) to one high school student who has significant emotional and mental health needs. However, none of these placement options would accept the student, or could not meet the student’s comprehensive, unique needs. The uncertified out-of-state nonpublic school, Mount Saint Vincent (MSV) located in Denver, Colorado, accepted the student. The student’s parents and the district agree this is the most appropriate placement to implement the student’s individualized education program (IEP). The District requests to waive California Education Code Section 56366.1(a), the requirement for state certification, to allow the use of California’s federal special education funds for the placement of this student at the MSV.

Authority for Waiver: Education Code (EC) Section 56101

RECOMMENDATION

Approval with conditions

The California Department of Education (CDE) recommends approval of this waiver for the period requested, January 30, 2017, through January 30, 2018. The FBUSD is the first California local educational agency (LEA) to request a waiver for a student placed at the MSV. The MSV did not apply for California nonpublic school certification for the 2016–2017 school year. The FBUSD shall maintain written evidence documenting implementation of the IEP, monitoring student’s progress report, and ensuring that the IEP is reviewed at least once a year, or more frequently if necessary.
SUMMARY OF KEY ISSUES

The FBUSD contacted four certified in-state NPS/As, and seven out-of-state residential treatment centers for possible placement to offer a FAPE to the student. These placement options would not accept the student, or could not meet the student’s unique needs as defined in the IEP. The student’s parents and the FBUSD agree that the MSV is the appropriate placement for the student because it provides emotional and mental health services, and will meet the student’s unique needs.

The placement does not abrogate any right provided to individuals with exceptional needs and their parents or guardians under the federal Individuals with Disabilities Education Act; or affect the compliance of the FBUSD with federal laws and regulations. In addition, before contracting with the nonpublic, nonsectarian school outside of this state, the FBUSD documented its efforts to utilize public schools and to locate an appropriate nonpublic, nonsectarian school or agency program, or both, within the state.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In May 2017, the California State Board of Education (SBE) approved a waiver similar to this one, allowing the Victor Valley Union High School District (VVUHDS) to waive EC Section 56366.1(a), the requirement for state certification. The VVUHDS placed one student with disabilities at the Judge Rotenberg Center.

In March 2017, the California State Board of Education (SBE) approved a waiver similar to this one, allowing the Livermore Valley Joint Unified School District (LVJUSD) to waive EC Section 56366.1(a), the requirement for state certification. The LVJUSD placed one student with disabilities at the Stellar Academy for Dyslexics.

In January 2017, the SBE approved two waivers similar to this one, allowing the Palo Alto Unified School District (PAUSD), and the Kern County Office of Education (KCOE) to waive EC Section 56366.1(a), the requirement for state certification. The PAUSD placed one student with disabilities at the Daniels Academy, and the KCOE placed one student with disabilities at Red Rock Lava Heights.

In July 2015, the SBE approved a waiver similar to this one, allowing Siskiyou Union High School District to waive EC Section 56366.1(a), the requirement for state certification, in order to place one student with disabilities at KidsPeace National Centers.

In March 2015, the SBE approved a waiver similar to this one, allowing Capistrano Unified School District to waive EC Section 56366.1(a), the requirement for state certification, in order to place one student with disabilities at KidsPeace National Centers.
FISCAL ANALYSIS (AS APPROPRIATE)

If this waiver is approved, the FBUSD may use state and federal special education funds for the placement of this student at the MSV. If this waiver is denied, the FBUSD may only use local funds to support the student’s placement at MSV. The estimated yearly cost for placement is $86,240.

ATTACHMENT(S)

Attachment 1: Child Specific NPA or NPS Certification Summary Table (1 page)

Attachment 2: Fort Bragg Unified School District Specific Waiver Request 11-3-2017 (1 page) (Original waiver request is signed and on file in the Waiver Office.)
# Child Specific / NPA or NPS Certification Summary Table

California *Education Code* Section 56366.1(a)

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>Local Educational Agency</th>
<th>Period of Request</th>
<th>Demographics</th>
<th>Local Board Approval Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-3-2017</td>
<td>Fort Bragg Unified School District</td>
<td><strong>Requested:</strong> 1/30/2017 to 1/30/2018</td>
<td><strong>Student population:</strong> 1,934 (per CDE DataQuest) <strong>City Type:</strong> Small <strong>County:</strong> Mendocino</td>
<td>1/12/2017</td>
</tr>
</tbody>
</table>

Created by the California Department of Education
April 24, 2017
Ed Code or CCR to Waive: Request by Fort Bragg Unified School District to waive California Education Code Section 56366.1(a), the requirement for state certification to allow an uncertified out-of-state nonpublic school, Mount St. Vincent located in Colorado, to provide services to a California student with disabilities.

Outcome Rationale: This out-of-state placement is required as a result of a Compromise and Release Agreement with the Fort Bragg Unified School District agreeing to change the student's placement to a Residential Treatment Center.

Fort Bragg Unified School District contacted multiple in-state nonpublic schools and residential treatment centers to offer a free appropriate public education (FAPE) to one student who has significant emotional and mental health needs. However, none of these placement options would accept the student, or could not meet the student's comprehensive, unique needs. Mount Saint Vincent accepted the student. The student's parents and the district agree this is the most appropriate placement to implement the student's individualized education program (IEP). The District requests to waive California Education Code Section 56366.1(a), the requirement for state certification, to allow the use of California's federal special education funds for the placement of this student at Mount Saint Vincent.

Student Population: 1810

City Type: Small
Local Board Approval Date: 1/12/2017
Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Ms. Debbie Rogers
Position: Project Administrator
E-mail: drogers@mcoe.us
Telephone: 707-467-5170
California State Board of Education
Meeting Agenda Items for July 12-13, 2017

WAIVER ITEM W-15
California State Board of Education

July 2017 Agenda

General Waiver

Subject
Request by the El Centro Elementary School District to waive California Code of Regulations, Title 5, Section 3043(d), which requires a minimum of 20 school days for an extended school year (summer school) for students with disabilities.

Waiver Number: 13-3-2017

Summary of the Issues

The El Centro Elementary School District (ECESD) requests to be allowed to provide instruction in fewer than the 20 days required by law for the extended school year (ESY). The ECESD proposes an alternate ESY schedule for students in prekindergarten through grade eight that will allow them to provide the minimum number of hours required, but in fewer days.

Authority for Waiver: Education Code (EC) Section 33050

Recommendation

☐ Approval ☑ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the request from the ECESD 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 students’ individualized education programs (IEPs) specify otherwise. In addition, 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 ECESD is proposing to provide ESY utilizing a 16-day program of four days a week, 4.75 hours per day, from June 13 through July 7, 2017. This schedule would
allow for better alignment with the ECESD summer hours, and provide facility and transportation cost savings. The proposal may also address the drop of attendance that occurred on Mondays, and/or Fridays, and during the final week of ESY when a traditional 20-day schedule was utilized. The proposed schedule will maximize student learning by modifying the ESY schedule to four days per week with extended daily instructional time.

**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**

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 students with disabilities.

ESY is the term for the education of students with disabilities “between the close of one academic year and the beginning of the next,” similar to a summer school. The ESY must be provided for each individual with exceptional needs whose IEP requires it. Local educational agencies (LEAs) may request a waiver to provide an ESY program for fewer days than the traditional mode.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval.

**ATTACHMENT(S)**

Attachment 1:   Extended School Year Summary Table (1 page)

Attachment 2:   El Centro Elementary School District General Waiver Request (2 pages) 13-3-2017 (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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<tbody>
<tr>
<td>13-3-2017</td>
<td>El Centro Elementary School District</td>
<td><strong>Period Requested:</strong> June 13 to July 7, 2017</td>
<td><strong>Student population:</strong> 673</td>
<td><strong>Local Board:</strong> 3/14/2017</td>
<td>El Centro Elementary Teachers Association, Shealynn Smith President 2/24/2017 Support</td>
<td>Notice posted in a newspaper</td>
<td>School Site Council 3/7/2017</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Recommended:</strong> June 13 to July 7, 2017</td>
<td><strong>Area:</strong> Rural</td>
<td></td>
<td></td>
<td></td>
<td>No objection</td>
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<tr>
<td></td>
<td></td>
<td><strong>16 days at 4.75 hours/day</strong></td>
<td><strong>County:</strong> Imperial</td>
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<tr>
<td></td>
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<td><strong>76 hours total</strong></td>
<td><strong>Public Hearing:</strong> 3/14/2017</td>
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</tbody>
</table>

Created by the California Department of Education
April 25, 2017
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.

The strike-out on the preceding 3043(d) indicates the exact language being waived but is still valid.

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 13, 2017 through July 7, 2017. 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. We have also found that there is a drop in attendance on Mondays and/or Fridays, as well as a reduction during the final week of the ESY program. This was particularly evident when the District offered a five week program and the instructional days extended beyond four weeks. We believe we will be able to maximize student learning by modifying the ESY schedule to four days per week with extended daily time.

Student Population: 673
City Type: Rural
Public Hearing Date: 3/14/2017
Public Hearing Advertised: In the local newspaper
Local Board Approval Date: 3/14/2017
Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 3/7/2017
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N
Categorical Program Monitoring: N
Submitted by: Ms. Janice Lau
Position: Senior Director, Special Ed. & Student Services
E-mail: jlau@ecesd.org
Telephone: 760-352-5712 x8534
Fax: 760-370-3221
Bargaining Unit Date: 02/24/2017
Name: El Centro Elementary Teachers Association
Representative: Shealynn Smith
Title: President, ECETA
Position: Support
Comments:
California State Board of Education
Meeting Agenda Items for July 12-13, 2017

WAIVER ITEM W-16
## Specific Waiver

### SUBJECT

Request by two local educational agencies under the authority of California *Education Code* Section 56101 and *California Code of Regulations*, Title 5, Section 3100, to waive *Education Code* Section 56362(c). Approval of 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: Butte Valley School District 1-4-2017
Vacaville Unified School District 13-2-2017

### 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
- [x] Approval with conditions
- [ ] Denial

The California Department of Education (CDE) recommends approval with the following condition: The District 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 assigned to general education teachers for the majority of the school day. Resource specialists coordinate special education services with general education programs as well as provide direct instruction and consultation for students with IEPs.

The CDE, Special Education Division (SED), completes a thorough review of the components of the resource specialist program (RSP) caseload waiver submissions to
develop waiver recommendations and conditions including, but not limited to the following:

- Confirming the demographic information on the waiver submission is accurate.
- Contacting the resource teacher to confirm that the teacher agreed to the waiver, and the teacher information provided on the waiver submission is accurate.
- Contacting the union representative to confirm that the LEA contacted the representative about the waiver.
- Reviewing the number of RSP caseload waivers submitted by the LEA over the last two school years to ensure the number of requests are reasonable based on the size of the LEA.
- Reviewing the SED compliance complaint database for any RSP caseload complaints filed against the LEA. If a complaint has been filed, the SED follows up on any determinations of noncompliance and corresponding corrective actions.
- If necessary, talking to the LEA administrator to gather additional information.

Any relevant information obtained from this review is included in the description below.

**Butte Valley School District 1-4-2017**

Butte Valley Unified School District requests to increase the caseload of Wendy Fiorini, resource specialist teacher assigned at Butte Valley 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 the required amount of instructional aide time.

**Vacaville Unified School District 13-2-2017**

The Vacaville Unified School District requests to increase the caseload of Kathy Uline, resource specialist teacher at Country 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 and the LEA has no prior requests for RSP waivers. The teacher agreed to the waiver, and will receive the required amount 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 3100 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 effective period of the waiver.

(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 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 pages)

Attachment 2: Butte Valley School Specific Waiver Request 1-4-2017 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 3: Vacaville Unified School District Specific Waiver Request
13-2-2017 (4 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>
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<tbody>
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<td></td>
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<td>If Approved: 6.75 hours per day</td>
<td>Area: Rural</td>
<td>Recommended: February 27, 2017 to June 9, 2017</td>
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<td></td>
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<td>If Approved: 5 hours per day</td>
<td>Area: Suburban</td>
<td>Recommended: January 13, 2017 to June 30, 2017</td>
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Created by the California Department of Education
April 25, 2017
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4773684  Waiver Number: 1-4-2017  Active Year: 2017

Date In: 4/4/2017 11:31:20 AM

Local Education Agency: Butte Valley Unified School District
Address: 615 West Third St.
Dorris, CA 96023

Start: 2/27/2017  End: 6/9/2018

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: Our district has a high percentage of special education/resource students. Our population fluctuates every year. Families move in and out of our area. There is high poverty and high unemployment. Due to the ever-changing nature of our region, our special education numbers often change. We get many students who move into our district for only a year or a portion of a year. Currently, we have 30 resource students. We started the year with only 23.

Student Population: 315

City Type: Rural

Local Board Approval Date: 2/28/2017

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Wendy Fiorini
Position: Resource Teacher
E-mail: wfiorini@bvalusd.org
Telephone: 530-397-3900 x230
Fax:

Bargaining Unit Date: 03/03/2017
Name: Butte Valley Teachers' Association
Representative: Leslie Loader
Title: President/Reading Teacher
Position: Support
Comments:
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD  
To be completed by the ADMINISTRATOR

1. SELPA / District / COE Name: Butte Valley USD 
2. Name of Resource Specialist*: Wendy Fiorini 
3. School / District Assignment: Butte Valley USD 
4. Status: Permanent _____ Probation X__ Temporary ___ 
5. Number of students _32____ (Caseload) proposed number of students 32 
6. Full time Equivalent (FTE%): 1.0FTE 
7. Number of periods or hours taught by Resource Specialist: Periods _7___ Hours _6.5___ 
8. Average number of students per hour taught: __1.5____ 
9. Indicate amount of Instructional Aide time: _6 3/4__ (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 have 6 ¾ hours of instructional aide time to support our resource teacher. With this support, we are able to meet the needs of all our resource students.

11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):

Finding a qualified applicant is difficult in our rural area.

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 will advertise for a part-time resource teacher.

Administrator/Desigee Name and Title: Heidi Gerig, Superintendent/Principal 
Telephone number (and extension): 530-397-4000 
Date: 2/28/2017
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name:            Wendy Fiorni
Assigned at:   Butte Valley Elementary

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 all of my students will receive all the services called for in their IEP’s. I have my day divided up in such a way that my aide and I can still meet with them daily.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

   I am able to meet with all of my students and work with them and do all of my lesson planning.
   IEP writing and hold all of the requisite meetings. Some students require only minimal services.

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: 6 3/4 hours (prior to increased caseload).

7. Any additional Aide time with this waiver? _____ total hours after increase.

WF I hereby certify that the information provided on this application is true and correct (please initial).

Date: 3/6/2017

Telephone number (and extension): 530-397-3900 x230
| **California Department of Education** |
| **WAIVER SUBMISSION - Specific** |

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<tr>
<th>CD Code:</th>
<th>4870573</th>
<th>Waiver Number:</th>
<th>13-2-2017</th>
<th>Active Year:</th>
<th>2017</th>
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</thead>
</table>

Date In: 2/14/2017 9:00:23 AM

Local Education Agency: Vacaville Unified School District
Address: 401 Nut Tree Rd.
Vacaville, CA 95687

Start: 1/13/2017  
End: 6/30/2017

Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Resource Teacher Caseload
Ed Code Section: 56362 (c)
Ed Code Authority: 56101 and 5 CCR Section 3100

Ed Code or CCR to Waive: EC 56362 (c) No resource specialist shall have a caseload that exceeds 28 students.

Outcome Rationale: Enrollment fluctuates at this site. There has not been a need in the past for a waiver, and we do not anticipate this to be an ongoing problem.

Student Population: 12436

City Type: Suburban

Local Board Approval Date: 2/2/2017

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Janet Dietrich
Position: Assistant Superintendent, Human Resources
E-mail: janetd@vacavilleusd.org
Telephone: 707-453-6103
Fax: 707-453-6999

Bargaining Unit Date: 10/07/2014
Name: Vacaville Teachers Association
Representative: Moira Moira McSweeney
Title: President, Vacaville Teachers Association
Position: Neutral
Comments:
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

1. SELPA / District / COE Name: Vacaville Unified School District

2. Name of Resource Specialist*: Kathy Uline

3. School / District Assignment: Country High School/Vacaville Unified

4. Status: Permanent X Probation ____ Temporary ___

5. Number of students (Caseload) proposed number of students 32

6. Full time Equivalent (FTE%): ____

7. Number of periods or hours taught by Resource Specialist: Periods ____ Hours 6.5

8. Average number of students per hour taught: 10

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):

    Ms. Uline teaches in an Alternative High School. Students meet with Ms. Uline 5 times per week. This schedule enables her to give sufficient time to implement the student’s IEPs.

11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):

    Only one RSP teacher serves at this site.

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):

    Enrollment fluctuates at this site. There has not been a need in the past for a waiver, and we do not anticipate this to be an ongoing problem.

Administrator/Desigee Name and Title: Janet Dietrich

Telephone number (and extension): 707-453-6104

Date: 1/17/2017

*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: Kathy Uline
Assigned at: Country High School

8. 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:

9. 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. The average class size is 10, the schedule enables sufficient time to implement the students.

10. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

   Yes. The average class size is 10, the schedule enables sufficient time to implement the Students IEP.

11. 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:
12. 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:

(d) Did you have an approved waiver for this caseload? Yes ___ No ___
(e) Specify which months / weeks you were over caseload: From ____ to ____
(f) Other pertinent information: _____

☐ I have had a student caseload of more than 28 for more than two consecutive years.

13. Instructional Aide time currently receiving: ____ hours (prior to increased caseload).

14. Any additional Aide time with this waiver? ____ total hours after increase.

KU I hereby certify that the information provided on this application is true and correct (please initial).

Date:   1/1/2017

Telephone number (and extension):   707-453-6215
California State Board of Education
Meeting Agenda Items for July 12-13, 2017

WAIVER ITEM W-17
Specific Waiver

SUBJECT

Request by Lemoore Union Elementary 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 Numbers:
Lemoore Union Elementary School District 18-3-2017
Lemoore Union Elementary School District 20-3-2017
Lemoore Union Elementary School District 22-3-2017

SUMMARY OF THE ISSUE(S)

The local educational agency (LEA) requests to increase the caseloads of resource specialists 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: (1) The District 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); (2) The District must submit to the Special Education Division (SED) of the CDE, documentation of the District’s efforts to recruit and employ fully credentialed resource specialists for the 2017–18 school year. The district is to use and document at least two or more different modalities for recruiting qualified personnel, such as:

- Posting of fliers
- Job listings in newspapers, professional periodicals, or other such listings
- Online job listings such as EdJoin, or other education related Web sites
- Participation in career or employment fairs
• Active recruitment at universities and other institutions of higher learning
• Involvement with institutions of higher learning for programs on teacher training
• Use of LEA based teacher training, or use of career ladders for current staff

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 assigned to general education teachers for the majority of the school day. Resource specialists coordinate special education services with general education programs as well as provide direct instruction and consultation for students with IEPs.

The CDE, Special Education Division (SED), completes a thorough review of the components of resource specialist program (RSP) caseload waiver submissions to develop waiver recommendations and conditions including, but not limited to the following:

• Confirming the demographic information on the waiver submission is accurate.
• Contacting the resource teacher to confirm that the teacher agreed to the waiver, and the teacher information provided on the waiver submission is accurate.
• Contacting the union representative to confirm that the LEA contacted the representative about the waiver.
• Reviewing the number of RSP caseload waivers submitted by the LEA over the last two school years to ensure the number of requests are reasonable based on the size of the LEA.
• Reviewing the SED compliance complaint database for any RSP caseload complaints filed against the LEA. If a complaint has been filed, the SED follows up on any determinations of noncompliance and corresponding corrective actions.
• If necessary, talking to the LEA administrator to gather additional information.

Any relevant information obtained from this review is included in the description below.

The Lemoore Union Elementary School District (LUESD) requests to increase the caseloads of Jana Allen, resource specialist teacher at Engvall Elementary School (18-4-2017), Chang Cha, resource specialist teacher at Meadow Lane Elementary School (20-4-2017), and Andrea Barcellos, resource specialist teacher at Cinnamon Elementary School (22-4-2017). The CDE recommends approval with conditions. The teachers agreed to the waiver, and will receive the required amount of instructional aide time. However, in the last three years there have been two complaints registered with the CDE related to this school district exceeding the maximum resource specialist program caseload of 28 students; one in 2013–14, and another in 2014–15. The CDE is recommending an additional waiver condition to require the LUESD to provide
documentation of their efforts to recruit and employ fully credentialed resource specialists for the 2017–18 school year.

**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 (2 pages)

Attachment 2: Lemoore Union Elementary School District Specific Waiver Request 18-4-2017 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Lemoore Union Elementary School District Specific Waiver Request 20-4-2017 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Lemoore Union Elementary School District Specific Waiver Request 22-4-2017 (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>
</table>
| 18-3-2017     | Lemoore Union Elementary School District, Engvall Elementary School | Janna Allen Yes | No | **Current:** 5 hours per day  
**If Approved:** 5 hours per day | **Student Population:** 3,255  
**Area:** Rural  
**County:** Kings | | **Requested:** March 15, 2017 to June 8, 2017  
**Recommended:** August 15, 2016 to June 1, 2017 | March 14, 2017 | Lemoore Elementary Teachers' Association, Chris Brainard President 3/1/2016 Support |
| 20-3-2017     | Lemoore Union Elementary School District, Meadow Lane Elementary School | Chang Cha Yes | No | **Current:** 5 hours per day  
**If Approved:** 5 hours per day | **Student Population:** 3,255  
**Area:** Rural  
**County:** Kings | | **Requested:** March 15, 2017 to June 8, 2017  
**Recommended:** August 15, 2016 to June 1, 2017 | March 14, 2017 | Lemoore Elementary Teachers' Association, Chris Brainard President 3/1/2016 Support |
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<th>Local Board Approval Date</th>
<th>Bargaining Unit, Representative, Consulted, Date, and Position</th>
</tr>
</thead>
</table>
| 22-3-2017     | Lemoore Union Elementary School District, Cinnamon Elementary School | Andrea Barcellos Yes | No | **Current:** 5 hours per day  
**If Approved:** 5 hours per day | **Student Population:** 3,255  
**Area:** Rural  
**County:** Kings | **Requested:** March 15, 2017  
**to June 8, 2017**  
**Recommended:** August 15, 2016  
**to June 1, 2017** | March 14, 2017 | Lemoore Elementary Teachers’ Association, Chris Brainard President 3/1/2016 Support |
Outcome Rationale: Historically, Engvall Elementary School has had RSP caseloads between 22 and 25 students; however, there has been a recent influx of already identified who have moved into the school boundaries. Along with already signed assessment plans to determine eligibility of current students, the numbers at Engvall have risen dramatically. Engvall Elementary uses the Student Success Team and Response to Intervention process in order to determine if students require assessment and additional services to be successful educationally. This year a greater number of students than anticipated did not respond to the intervention to the level expected and therefore, more assessments have been conducted, leading to the increased of caseload numbers. Ms. Allen’s current case load with 25 and 5 pending students. As well, we anticipate that more assessment plans will be requested during the next round of Student Success Team meetings. Because the caseloads have only risen this
late in the school year, additional staffing was not an anticipated need; however, hiring a teacher at this point in the school year can be challenging.

Student Population: 3255

City Type: Rural

Local Board Approval Date: 3/14/2017

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Brooke Warkentin
Position: Director of Special Services
E-mail: bwarkentin@myluesd.net
Telephone: 559-924-6823
Fax: 559-924-6809

Bargaining Unit Date: 03/01/2017
Name: Lemoore Elementary Teacher's Association
Representative: Chris Brainard
Title: President
Position: Support
Comments:
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

1. SELPA / District / COE Name: Kings County SELPA/ Lemoore Union Elementary School District/ Kings County Office of Education

2. Name of Resource Specialist*: Jana Allen

3. School / District Assignment: Engvall Elementary RSP

4. Status: Permanent ____ Probation __X__ Temporary ___

5. Number of students 25 (Caseload) proposed number of students 30

6. Full time Equivalent (FTE%): 1____

7. Number of periods or hours taught by Resource Specialist: Periods 0____ Hours 5.08

8. Average number of students per hour taught: 5

9. Indicate amount of Instructional Aide time: 6.0 (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):

At Engvall Elementary School, students receiving special education services will be monitored by the RSP teacher as well as the paraprofessional. The service minutes will be met through a combination of push-in and pull-out support provided by special education staff. During pull-out services, students will be grouped based on their IEP goals, grade level, and focus areas. The RSP teacher will address needs during small group instruction and through consultation with support staff and general education teachers to monitor that appropriate accommodations are being provided to allow the student to access the general curriculum.

11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):

Historically, Engvall Elementary School has had RSP caseloads between 22 and 25 students; however, there has been a recent influx of already identified who have moved into the school boundaries. Along with already signed assessment plans to determine eligibility of
current students, the numbers at Engvall have risen dramatically. Engvall Elementary uses the Student Success Team and Response to Intervention process in order to determine if students require assessment and additional services to be successful educationally. This year a greater number of students than anticipated did not respond to the intervention to the level expected and therefore, more assessments have been conducted, leading to the increased of caseload numbers. Ms. Allen’s current case load with 25 and 5 pending students. As well, we anticipate that more assessment plans will be requested during the next round of Student Success Team meetings. Because the caseloads have only risen this late in the school year, additional staffing was not an anticipated need; however, hiring a teacher at this point in the school year can be challenging.

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 the waiver is denied, we will attempt to have an itinerant teacher support he newly qualified students with their service minutes; however, it is recognized that an itinerant teacher will not always be on the campus and therefore, when needs arise in the classroom setting, the services may not have the same level of positive impact on the child as might be seen from a service provider who is on the campus.

Administrator/Designee Name and Title: Brooke Warkentin, Director of Special Services

Telephone number (and extension): (559) 924-6823

Date: 2-22-17
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name: Jana Allen
Assigned at: Engvall Elementary School Lemoore, California

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:
   Yes. We have strategic allotted time for each grade level focusing on individual needs of students. We utilize intervention programs to target individual goals. Minutes will be met through a push-in and pull-out model.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:
   Yes. At Engvall Elementary, we follow a response to intervention system. Some students who are currently being assessed for possible specialized academic instruction are participating in Tier-3 interventions that are supported by general education and special education staff.

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: 5 hours (prior to increased caseload).

7. Any additional Aide time with this waiver? 0 total hours after increase.

JDA I hereby certify that the information provided on this application is true and correct (please initial).

Date: 2-23-2017

Telephone number (and extension): 559-924-6850
CD Code: 1663974         Waiver Number: 20-3-2017         Active Year: 2017

Date In: 3/20/2017 11:03:30 AM

Local Education Agency: Lemoore Union Elementary
Address: 100 Vine Street
Lemoore, CA 93245

Start: 3/15/2017       End: 6/8/2017

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: Education Code Section 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: Historically, Meadow Lane Elementary School has had RSP caseloads between 20 and 25; however, there has been a recent influx of already identified students who have moved into the school boundaries. Along with already signed assessment plans to determine eligibility of current students, the numbers at Meadow Lane have risen dramatically. Meadow Lane Elementary uses the Student Success Team and Response to Intervention process in order to determine if students require assessment and additional services to be successful educationally. This year a greater number of students than anticipated did not respond to the intervention to the level expected and therefore, more assessments have been conducted, leading to the increased of caseload numbers. In order to mitigate this situation, private school students who were currently on Mr. Cha’s caseload have been transferred to another case manager, however; this still leaves Mr. Cha’s current case load with 21 and 7
pending students. As well, we anticipate that more assessment plans will be requested during the next round of Student Success Team meetings. Because the caseloads have only risen this late in the school year, additional staffing was not an anticipated need; however, hiring a teacher at this point in the school year can be challenging.

Student Population: 3255

City Type: Rural

Local Board Approval Date: 3/14/2017

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Brooke Warkentin
Position: Director of Special Services
E-mail: bwarkentin@myluesd.net
Telephone: 559-924-6823
Fax: 559-924-6809

Bargaining Unit Date: 03/01/2017
Name: Lemoore Elementary Teacher's Association
Representative: Chris Brainard
Title: President
Position: Support
Comments:
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

1. SELPA / District / COE Name: Kings County SELPA/Lemoore Union Elementary School District/ Kings County Office of Education

2. Name of Resource Specialist*: Chang Cha

3. School / District Assignment: Meadow Lane Elementary RSP

4. Status: Permanent ____ Probation ____ Temporary ___

5. Number of students 21__ (Caseload) proposed number of students: 28

6. Full time Equivalent (FTE%): ___1___

7. Number of periods or hours taught by Resource Specialist: Periods ____0__ Hours 5.08

8. Average number of students per hour taught: 6 students

9. Indicate amount of Instructional Aide time: 5.5 (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):

    At Meadow Lane Elementary School, students receiving special education services will be monitored by the RSP teacher as well as the paraprofessional. The service minutes will be met through a combination of push-in and pull-out support provided by special education staff. During pull-out services, students will be grouped based on their IEP goals, grade level, and focus areas. The RSP teacher will address needs during small group instruction and through consultation with support staff and general education teachers to monitor that appropriate accommodations are being provided to allow the student to access the general curriculum.

11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):

    Historically, Meadow Lane Elementary School has had RSP caseloads between 20 and 25; however, there has been a recent influx of already identified students who have moved into the school boundaries. Along with already signed assessment plans to determine eligibility of current students, the numbers at Meadow Lane have risen dramatically. Meadow Lane
Elementary uses the Student Success Team and Response to Intervention process in order to determine if students require assessment and additional services to be successful educationally. This year a greater number of students than anticipated did not respond to the intervention to the level expected and therefore, more assessments have been conducted, leading to the increased of caseload numbers. In order to mitigate this situation, private school students who were currently on Mr. Cha’s caseload have been transferred to another case manager, however; this still leaves Mr. Cha’s current case load with 21 and 7 pending students. As well, we anticipate that more assessment plans will be requested during the next round of Student Success Team meetings.

Because the caseloads have only risen this late in the school year, additional staffing was not an anticipated need; however, hiring a teacher at this point in the school year can be challenging.

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 the waiver is denied, we will attempt to have an itinerant teacher support he newly qualified students with their service minutes; however, it is recognized that an iterant teacher will not always be on the campus and therefore, when needs arise in the classroom setting, the services may not have the same level of positive impact on the child as might be seen from a service provider who is on the campus.

Administrator/Designee Name and Title: Brooke Warkentin, Director of Special Services

Telephone number (and extension): (559) 924-6823

Date: 2-22-17
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name: Chang Cha
Assigned at: Meadow Lane Elementary School, Lemoore, California

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:
   Yes, if my caseload was to increase, I will be able to reasonably manage the excess students. We provide both push-in and pull-out support. This combination of services allows for the flexibility to schedule students according to their needs.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:
   I can reasonably manage the excess caseload. The team at Meadow Lane follows an RTI model and will collaborate to ensure that all services are met and it appears that incoming students will be able to attend sessions that are manageable by special services staff.

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:

(d) Did you have an approved waiver for this caseload? Yes ___ No ___
(e) Specify which months / weeks you were over caseload: From ____ to ____
(f) 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.

CC: I hereby certify that the information provided on this application is true and correct (please initial).

Date: 2-23-17

Telephone number (and extension): 559-924-6840
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1663974  Waiver Number: 22-3-2017  Active Year: 2017

Date In: 3/20/2017 11:06:29 AM

Local Education Agency: Lemoore Union Elementary School District
Address: 100 Vine Street  
Lemoore, CA 93245

Start: 3/15/2017  End: 6/8/2017

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: Education Code Section 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: Historically, Cinnamon Elementary School has had RSP caseloads between 24 and 28 students; however, there has been a recent influx of already identified who have moved into the school boundaries. Along with already signed assessment plans to determine eligibility of current students, the numbers at Cinnamon have risen dramatically. Cinnamon Elementary uses the Student Success Team and Response to Intervention process in order to determine if students require assessment and additional services to be successful educationally. This year a greater number of students than anticipated did not respond to the intervention to the level expected and therefore, more assessments have been conducted, leading to the increased of caseload numbers. In order to mitigate this situation, private school students who were currently on Mrs. Barcellos’s caseload have been transferred to another case manager, however; this still leaves Mrs. Barcellos’s current case load with 24 and 3 pending students. As well, we anticipate that more assessment plans will be requested during...
the next round of Student Success Team meetings. Because the caseloads have only risen this late in the school year, additional staffing was not an anticipated need; however, hiring a teacher at this point in the school year can be challenging.

Student Population: 3255

City Type: Rural

Local Board Approval Date: 3/14/2017

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Brooke Warkentin
Position: Director of Special Services
E-mail: bwarkentin@myluesd.net
Telephone: 559-924-6823
Fax: 559-924-6809

Bargaining Unit Date: 03/01/2017
Name: Lemoore Elementary Teacher's Association
Representative: Chris Brainard
Title: President
Position: Support
Comments:
**SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD**  
To be completed by the ADMINISTRATOR

1. SELPA / District / COE Name: **Kings County SELPA/ Lemoore Union Elementary School**  
District/Kings County Office of Education

2. Name of Resource Specialist*: **Andrea Barcellos**

3. School / District Assignment: **Cinnamon Elementary RSP**

4. Status: Permanent ____  Probation ____X____ Temporary ___

5. Number of students **23**  (Caseload) proposed number of students **30**

6. Full time Equivalent (FTE%): **1**

7. Number of periods or hours taught by Resource Specialist:  Periods **0**  Hours **5**

8. Average number of students per hour taught: **6 students**

9. Indicate amount of Instructional Aide time: **5.0** (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):

   > At Cinnamon Elementary School, students receiving special education services will be monitored by the RSP teacher as well as the paraprofessional. The service minutes will be met through a combination of push-in and pull-out support provided by special education staff. During pull-out services, students will be grouped based on their IEP goals and focus areas. The RSP teacher will address needs during small group instruction and through consultation with support staff and general education teachers to monitor that appropriate accommodations are being provided to allow the student to access the general curriculum.

11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):

   > Historically, Cinnamon Elementary School has had RSP caseloads between 24 and 28 students; however, there has been a recent influx of already identified who have moved into the school boundaries. Along with already signed assessment plans to determine eligibility of current students, the numbers at Cinnamon have risen dramatically. Cinnamon Elementary uses the Student Success Team and Response to Intervention process in order to determine if students require assessment and additional services to be successful educationally. This year a greater number of students than anticipated did not respond to the intervention to the level expected and therefore, more assessments have been conducted, leading to the increased of caseload numbers. In order to mitigate this situation, private school students who were currently

*Resource Specialist as defined in EC Section 56362.5
on Mrs. Barcellos’s caseload have been transferred to another case manager, however; this still leaves Mrs. Barcellos’s current case load with 24 and 3 pending students. As well, we anticipate that more assessment plans will be requested during the next round of Student Success Team meetings. Because the caseloads have only risen this late in the school year, additional staffing was not an anticipated need; however, hiring a teacher at this point in the school year can be challenging.

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 the waiver is denied, we will attempt to have an itinerant teacher support the newly qualified students with their service minutes; however, it is recognized that an itinerant teacher will not always be on the campus and therefore, when needs arise in the classroom setting, the services may not have the same level of positive impact on the child as might be seen from a service provider who is on the campus.

Administrator/Designee Name and Title: Brooke Warkentin, Director of Special Services

Telephone number (and extension): (559) 924-6823

Date: 2-22-17

*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: Andrea Barcellos
Assigned at: Cinnamon Elementary School, Lemoore, California

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. Strategic allotted time for each grade level is provided. The time focuses on primarily students with individual needs by providing specialized academic instruction using strategic programs to target specific needs.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

   Yes, at Cinnamon Elementary School we provide time for each grade level by using a push-in and pull-out model for RSP services. This model will allow for our special education staff to meet the needs of newly identified students.

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:

(g) Did you have an approved waiver for this caseload? Yes ___ No ___

(h) Specify which months / weeks you were over caseload: From ____ to ____

(i) 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.

_AB___ I hereby certify that the information provided on this application is true and correct (please initial).

Date: 2-23-17

Telephone number (and extension): 924-6870
California State Board of Education
Meeting Agenda Items for July 12-13, 2017

WAIVER ITEM W-18
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2017 AGENDA

General Waiver

SUBJECT
Request by six 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 862(b)(2)(A), regarding the California Assessment of Student Performance and Progress System.

Waiver Numbers:
- Cypress Elementary School District 19-4-2017
- King City Union School District 25-4-2017
- Lafayette Elementary School District 23-4-2017
- San Jacinto Unified 11-4-2017
- Whittier Union High School District 24-4-2017
- Winship-Robbins Elementary School District 21-4-2017

SUMMARY OF THE ISSUES

State regulations for the California English Language Development Test (CELDT), and the California Assessment of Student Performance and Progress (CAASPP) System 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 2014–15 or 2015–16 school years.

Authority for Waiver: Education Code (EC) Section 33050

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 and CAASPP compiled from data produced by the testing contractors. Standardized Testing and Reporting 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.

The LEAs filing for this waiver request missed the regulatory deadline for one or more State Testing Apportionment Information Report(s) for the 2014–15 or 2015–16 school years.

CDE staff verified that these LEAs submitted their report after the deadline and are required to submit a waiver as a condition to receive the applicable apportionment reimbursement.

Demographic Information:

Cypress Elementary School District has a student population of 4011 and is located in a suburban area of Los Angeles County.

King City Union School District has a student population of 2658 and is located in a rural area of Modoc County.

Lafayette Elementary School District has a student population of 3638 and is located in a suburban area of Mendocino County.

San Jacinto Unified has a student population of 9698 and is located in a small city in Glenn County.

Whittier Union High School District has a student population of 12510 and is located in a suburban area of Merced County.

Winship-Robbins Elementary School District has a student population of 180 and is located in a rural area in Marin 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 six LEAs will be reimbursed for the costs of the CELDT and/or the CAASPP System for the 2014–15 or 2015–16 school years. Total costs are indicated on Attachment 1, and the waiver request from the LEA is included as Attachments 2, 3, 4, 5, 6, and 7.

ATTACHMENT(S)


Attachment 2: Cypress Elementary School District General Waiver Request 19-4-2017 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: King City Union School District General Waiver Request 25-4-2017 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Lafayette Elementary School District General Waiver Request 23-4-2017 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: San Jacinto Unified General Waiver Request 11-4-2017 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Whittier Union High School District General Waiver Request 24-4-2017 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Winship-Robbins Elementary School District General Waiver Request 21-4-2017 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>Local Educational Agency</th>
<th>Period of Request</th>
<th>Test Report(s) Missing</th>
<th>Report(s) Submitted</th>
<th>School Year(s)</th>
<th>Reimbursement Amount</th>
<th>Union Position</th>
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<td>19-4-2017</td>
<td>Cypress Elementary School District</td>
<td>Requested: March 1, 2017 to June 30, 2017 Recommended: July 1, 2015 to March 1, 2016</td>
<td>California Assessment of Student Performance and Progress (CAASPP)</td>
<td>Yes</td>
<td>2015-16</td>
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<td>King City Union School District</td>
<td>Requested: March 1, 2016 to June 30, 2016 Recommended: July 1, 2015 to March 1, 2016</td>
<td>California Assessment of Student Performance and Progress (CAASPP)</td>
<td>Yes</td>
<td>2015–16</td>
<td>$6,807.58</td>
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<td>24-4-2017</td>
<td>Whittier Union High School District</td>
<td>Requested: July 1, 2015 to June 30, 2016</td>
<td>California Assessment of Student Performance and Progress (CAASPP)</td>
<td>Yes</td>
<td>2015–16</td>
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Created by the California Department of Education
May 2, 2017
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CD Code: 3066480  
Waiver Number: 19-4-2017  
Active Year: 2017

Date In: 4/19/2017 11:04:57 AM

Local Education Agency: Cypress Elementary School District  
Address: 9470 Moody St.  
Cypress, CA 90630

Start: 3/1/2017  
End: 6/30/2017

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, 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 Cypress Elementary School District did not meet the submission deadline. The report was reviewed and the data verified, however, the file submission deadline was inadvertently missed. Protocols were reviewed and backup procedures were put in place to prevent this from happening again. As instructed by the California Department of Education, we are now filing a waiver to request approval from the State Board of Education to submit the CAASPP 2015-16 Apportionment Information Report. Submission of this report will aid our district in obtaining reimbursement for expenditures associated with state testing and prevent the loss of this revenue.

Student Population: 4011

City Type: Suburban

Public Hearing Date: 4/13/2017  
Public Hearing Advertised: The public hearing notice was posted at the Cypress School District Office, each of its six schools, and three public areas in the community.

Local Board Approval Date: 4/13/2017

Community Council Reviewed By: District English Language Advisory Committee (DELAC)  
Community Council Reviewed Date: 3/23/2017  
Community Council Objection: N  
Community Council Objection Explanation:

Audit Penalty YN: N  
Categorical Program Monitoring: N
Submitted by: Ms. Julie Gautreau  
Position: Coordinator, Assessment & Technology  
E-mail: jgautreau@cypsd.org  
Telephone: 714-220-6929  
Fax:  

Bargaining Unit Date: 03/28/2017  
Name: Association of Cypress Teachers (ACT)  
Representative: Isis Ortiz  
Title: ACT President  
Position: Support  
Comments:  

Bargaining Unit Date: 03/28/2017  
Name: California School Employee Association (CSEA) #325  
Representative: Vickie Ohlman  
Title: CSEA President  
Position: Support  
Comments:
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 2766050  Waiver Number: 25-4-2017  Active Year: 2017

Date In: 4/21/2017 11:46:01 AM

Local Education Agency: King City Union School District  
Address: 435 Pearl St.  
King City, CA 93930


Waiver Renewal: N  Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report  
Ed Code Title: CAASPP  
Ed Code Section: 60640  
Ed Code Authority: 33050

Ed Code or CCR to Waive: Section 862 Apportionment Information Report (B) if transmitted after March 1, the apportionment information report must be accompanied by a waiver request as provided by Ed. Code section 33050.

Outcome Rationale: A deadline was missed due to internal factors. We are requesting reimbursement of the CAASPP per the 2015-16 Apportionment Information Report. The reimbursement funds help the district cover the cost of administering assessments.

Student Population: 2658  
City Type: Rural

Public Hearing Date: 4/19/2017  
Public Hearing Advertised: Website per board agenda and posted at all local schools with physical copies of agenda.

Local Board Approval Date: 4/19/2017

Community Council Reviewed By: DELAC  
Community Council Reviewed Date: 4/7/2017  
Community Council Objection: N  
Community Council Objection Explanation:

Audit Penalty YN: N  
Categorical Program Monitoring: N

Submitted by: Dr. Beverly Eidmann  
Position: Director of Curriculum, Instruction and Acct.  
E-mail: beidmann@kcusd.org
Telephone: 831-385-2940 x3012
Bargaining Unit Date: 4/4/2017
Name: King City Elementary Teachers Association
Representative: Rosa Uribe Ochoa
Title: Member
Position: Support
Comments:
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<th>California Department of Education</th>
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CD Code: 0761713  Waiver Number: 23-4-2017  Active Year: 2017

Date In: 4/21/2017 9:00:32 AM

Local Education Agency: Lafayette Elementary School District
Address: 3477 School St.
Lafayette, CA 94549

Start: 7/1/2014  End: 12/31/2016

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, Section 862(b)(2)(A)
Ed Code Authority: 33050

Ed Code or CCR to Waive: Certified reports that are processed after March 1, 2016 will not be processed for payment without a waiver request approved by the State Board of Equalization.

Outcome Rationale: Due to District personnel changes, we missed the filing deadline for both the 2014-2015 apportionment as well as the 2015-2016 apportionment. Procedures have been put in place to ensure a timely filing for the 2016-2017 apportionment payment.

Student Population: 3638

City Type: Suburban

Public Hearing Date: 4/19/2017
Public Hearing Advertised: Noticed with Governing Board Meeting

Local Board Approval Date: 4/19/2017

Community Council Reviewed By: Lafayette School District Governing Board
Community Council Reviewed Date: 4/19/2017
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Dawn Lynn Lanier
Position: Administrative Assistant
E-mail: dlanier@lafsd.org
Telephone: 925-927-3511
Fax: 925-284-1525

Bargaining Unit Date: 04/19/2017
Name: Lafayette Education Association
Representative: Carol Kerr
Title: Teacher
Position: Support
CD Code: 3367249  Waiver Number: 11-4-2017  Active Year: 2017

Date In: 4/14/2017 2:07:08 PM

Local Education Agency: San Jacinto Unified
Address: 2045 South San Jacinto Ave.
San Jacinto, CA 92583

Start: 7/1/2016  End: 6/30/2017

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, 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 CAASPP 2015-16 Apportionment Report was not submitted by the March 1, 2017 deadline, and therefore San Jacinto Unified School District submits a General Waiver to the California Department of Education for approval by the State Board of Education. It is important to San Jacinto Unified that all available revenue sources, including CAASPP Apportionment, be collected. These funds will be used to support the district goals specified in the Local Control Accountability Plan.

Student Population: 9698

City Type: Small

Public Hearing Date: 4/11/2017
Public Hearing Advertised: A notice was posted in the local newspaper, at each school, and at the district office.

Local Board Approval Date: 4/11/2017

Community Council Reviewed By: District Advisory Council
Community Council Reviewed Date: 3/28/2017
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Ms. Monica Trousdale  
Position: LEA CAASPP Coordinator  
E-mail: mtrousdale@sanjacinto.k12.ca.us  
Telephone: 951-929-7700 x4241  
Fax: 951-929-2890  

Bargaining Unit Date: 04/03/2017  
Name: California School Employee Association, Ch. 189  
Representative: Debbie Cornett  
Title: President  
Position: Support  
Comments:  

Bargaining Unit Date: 04/05/2017  
Name: San Jacinto Teachers Association  
Representative: Theresa Gonter  
Title: President  
Position: Support  
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1965128 Waiver Number: 24-4-2017  Active Year: 2017

Date In: 4/21/2017 10:20:53 AM

Local Education Agency: Whittier Union High School District
Address: 9401 South Painter Ave.
Whittier, CA 90605


Waiver Renewal: N  Previous Waiver Number: 
Previous SBE Approval Date:

Waiver Topic: Other Waivers
Ed Code Title: Other Waivers
Ed Code Section: CCR, Title 5, section 862 (b)(2)(A)
Ed Code Authority: 33050

Ed Code or CCR to Waive: Certified reports that are processed after March 1, 2017, will not be processed for payment without waiver request approved by the State Board of Equalization.

Outcome Rationale: Never received the original e-mail that contained the original Apportionment Information for the 2015-16 school year to validate for CAASPP.

Student Population: 12510

City Type: Suburban

Public Hearing Date: 4/4/2017
Public Hearing Advertised: Meeting Agenda

Local Board Approval Date: 4/11/2017

Community Council Reviewed By: Meeting Agenda
Community Council Reviewed Date: 4/11/2017
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Carlye Olsen
Position: Director, Accountability, Staff Dev, Curriculum
E-mail: Carlye.Olsen@wuhsd.org
Telephone: 562-698-8121 x1196
Bargaining Unit Date: April 20, 2017
Name: WSEA
Representative: Alex McKenzie
Title: President
Position: Support
Comments:
| California Department of Education  
| WAIVER SUBMISSION - General |
| CD Code: 5171456 | Waiver Number: 21-4-2017 | Active Year: 2017 |

Date In: 4/20/2017 8:51:32 AM

Local Education Agency: Winship-Robbins Elementary School District  
Address: 4305 South Meridian Rd.  
Meridian, CA 95957

Start: 3/1/2017  
End: 6/30/2017

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, Section 862(b)(2)(A)  
Ed Code Authority: 33050

Ed Code or CCR to Waive: Certified reports that are processed after March 1, 2017 will not be processed for payment without a waiver request approved by the State Board of Education.

Outcome Rationale: The waiver applies to the CAASPP Apportionment of the 2015-2016 administration for the Winship-Robbins Elementary School District and is the accountability tool for student achievement.

Student Population: 180

City Type: Rural

Public Hearing Date: 4/12/2017  

Local Board Approval Date: 4/12/2017

Community Council Reviewed By: Winship-Robbins ESD School Board  
Community Council Reviewed Date: 4/12/2017  
Community Council Objection: N  
Community Council Objection Explanation:  
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Tinya Farmer  
Position: Data Analyst / Entry  
E-mail: tinyaf@sutter.k12.ca.us
Bargaining Unit Date: 04/07/2017
Name: Robbins Site Council
Representative: Laurie Goodman
Title: President
Position: Support
Comments:
California State Board of Education
Meeting Agenda Items for July 12-13, 2017

WAIVER ITEM W-19
General Waiver

SUBJECT
Request by the San Diego Unified School District to waive all or portions of California Education Code sections specific to statutory provisions for the sale or lease of surplus property.

Waiver Number: 9-5-2017

SUMMARY OF THE ISSUES

The San Diego Unified School District is requesting a waiver of California Education Code (EC) sections 17472, 17473, and 17474, and portions of 17455, 17466, 17468, 17469, and 17475, which will allow the district to maximize the return on the lease of the site in a manner that best serves their schools and community.

Authority for Waiver: Education Code (EC) Section 33050

RECOMMENDATION

Approval with conditions

The California Department of Education recommends approval with the following conditions: that the final acceptance by the governing board of the San Diego Unified School District board be made within 60 days of the meeting in which the proposal is received, and that the reasons for the acceptance 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 lease of surplus property be waived.

The San Diego Unified School District requests the specified EC sections be waived in order to allow the district to maximize the return on the lease of the site, and to enter into a direct negotiation with the tenant currently in place. The district states it will ensure that the process followed to lease the property is designed to obtain the best result for the district, the schools, and the community.

The district requests a waiver of the requirement to use sealed proposals to lease the property, as described in EC Section 17472. A waiver of this EC will allow the district to directly negotiate a new lease with the tenant currently in place. This will lead to
financial savings for the district, avoiding substantial costs associated with securing a new tenant, the possibility of experiencing a gap in rental income, and avoiding broker commission fees. A waiver will allow the district flexibility in negotiating price, payments, and terms that may yield greater economic benefit to the district. Additionally, the current tenant has planned facility improvements which will increase the overall value of the property.

Attachment 2, Exhibit A demonstrates the language the district wants to strike from EC Section 17468, including the requirement that sealed proposals and oral bids be received, the requirement to set a specific governing board meeting to receive proposals, and the requirement that the highest bidder be awarded the contract. Waiver of these sections will allow the district to negotiate directly with the current tenant. The district would still be required to provide notice of its adoption of a resolution of intent to lease the property. The waiver will provide flexibility while ensuring a public process whereby the agreed upon terms of the new lease with the existing tenant are shared openly.

Demographic Information:

The San Diego Unified School District has a student population of 129,136 and is located in an urban area of San Diego County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education has approved all previous waivers regarding the bidding process and the sale or lease of surplus property. The districts are requesting to waive the same or similar provisions for the lease of surplus property.

FISCAL ANALYSIS (AS APPROPRIATE)

The flexibility in property disposition requested herein will allow the San Diego Unified School District to maximize the return on the lease of the site in a manner that best serves their schools and community.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: San Diego Unified School District 9-5-2017 (6 pages). (Original waiver request is signed and on file in the Waiver Office.)
## Summary Table

<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>
</tr>
</thead>
</table>
| 9-5-2017      | San Diego Unified | San Diego French-American School | **Requested:** 7/1/17 to 7/1/18  
                 |                |          | **Recommended:** 7/1/17 to 7/1/18 | 4/25/17 | Public Hearing Advertised: 4/25/17 | Administrators Assn. of SD- Certified, Classified  
Donis Coronel, President 3/14/17 Neutral |                          |
|               |                |          |                   |                          |                   | CA School Empl. Assn.- Office, Tech and Business  
Sylvia Alvarez, President 3/14/17 Support |                          |
|               |                |          |                   |                          |                   | CA School Empl. Assn.- Operations, Support Services  
Lance Wren, President 3/14/17 Support |                          |
|               |                |          |                   |                          |                   | CA School Empl. Assn.- Paraeducators  
Rob Wilber, President 3/14/17 Neutral |                          |
|               |                |          |                   |                          |                   | Police Officers Association  
Dana Ellis, President 3/14/17 Support |                          |
|               |                |          |                   |                          |                   | San Diego Educators Association  
Lindsey, Birmingham, President 3/14/17 Neutral |                          |

Created by the California Department of Education  
June 23, 2017
CD Code: 3768338  Waiver Number: 9-5-2017  Active Year: 2017

Date In: 5/8/2017 2:49:09 PM

Local Education Agency: San Diego Unified School District
Address: 4100 Normal St.
San Diego, CA 92103

Start: 7/1/2017  End: 7/1/2018

Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Sale or Lease of Surplus Property
Ed Code Title: Lease of Surplus Property
Ed Code Section: All of 17472, 17473, 17474, portions of 17455, 17466, 17468, 17469, 17475
Ed Code Authority: 33050

Ed Code or CCR to Waive: See Exhibit A - attached
Outcome Rationale: See Exhibit B - attached

Student Population: 129136

City Type: Urban

Public Hearing Date: 4/25/2017
Public Hearing Advertised: In accordance with the Brown Act and published on the District website, posted at the Education Center and other locations

Local Board Approval Date: 4/25/2017

Community Council Reviewed By: N/A
Community Council Reviewed Date:
Community Council Objection:
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Gene Fuller
Position: Director, Real Estate
E-mail: gfuller@sandi.net
Telephone: 619-725-7262
Fax: 619-725-7382
Bargaining Unit Date: 03/14/2017
Name: Administrators Assn of SD-Certificated, Classified  
Representative: Donis Coronel  
Title: President  
Position: Neutral  
Comments:

Bargaining Unit Date: 03/14/2017  
Name: CA School Empl Assn- Office, Tech and Business  
Representative: Sylvia Alvarez  
Title: President  
Position: Support  
Comments:

Bargaining Unit Date: 03/14/2017  
Name: CA School Employees Assn - Operations, Support Svs  
Representative: Lance Wren  
Title: President  
Position: Support  
Comments:

Bargaining Unit Date: 03/14/2017  
Name: CA School Employees Assn - Paraeducators  
Representative: Rob Wilber  
Title: President  
Position: Neutral  
Comments:

Bargaining Unit Date: 03/14/2017  
Name: Police Officers Association  
Representative: Dana Ellis  
Title: President  
Position: Support  
Comments:

Bargaining Unit Date: 03/14/2017  
Name: San Diego Education Association  
Representative: Lindsey Burningham  
Title: President  
Position: Neutral  
Comments:
EXHIBIT A
San Diego Unified School District

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].

There is a strike-out between the brackets [ ] in the last sentence.

Rationale: The San Diego Unified School District requests the specified Education Code section be waived in order to allow the District to maximize the return on the lease of the site in a manner that best serves our schools and community. The District would like to enter into a direct negotiation with the existing in-place tenant. The language of Education Code Section 17455 stating that the sale or lease of real property is to be made in the manner provided by this article is inconsistent with the waivers the District is seeking.

The District will continue to ensure that the process by which the property is leased is designed to get the best result for the District, the schools, and the community.

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, 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.]

There is a strike-out between the brackets in the second sentence beginning with, [and shall specify and ending leased]. There is a strike-out after, estate broker, that is, [out of ________, ending with, will be received and considered.] in the last sentence.

Rationale: The District is requesting that the requirement of sealed proposals to lease the property be waived, allowing the District to directly negotiate a new lease with the existing in-place tenant. By allowing the District to negotiate a new lease with the existing in-place tenant, the District will avoid substantial re-tenanting costs, no gap in rental income, no broker commissions, among other
financial savings to the District during a period of severe budget restrictions. Additionally, the existing in-place tenant has planned facility improvements which will increase the overall value of the property. The language to be waived provides for a minimum price or rental and requires sealed proposals to lease the property. This requirement restricts the District’s flexibility in negotiating price, payments, and terms that may yield greater economic benefit to the District. As the District cannot predict in advance the timing of negotiations with the existing in-place tenant, it cannot at the time of adopting the resolution know when the proposal must be brought back to the governing board for consideration.

**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.

*There is a strike-out of the word, [sealed], and, [or stated in or with the oral bid,], in in the first sentence.*

**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 lease the property be waived, allowing the District to directly negotiate the lease of the property with the existing in-place tenant.

**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.]

*There is a strike-out between the brackets in the first sentence beginning with, [and of the time and place of holding the meeting]. There is a strike out of [, 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 lease of the property. Such a requirement, however, will be removed pursuant to the language stricken within Education Code Section 17466. As
modified, the District would still be required to provide notice of its adoption of a resolution of intent to lease the property, but the notice of the resolution in a newspaper would no longer be required.

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 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.}

The entire Education Code § 17472 section contains strike-outs.

Rationale: By striking the requirement that sealed proposals and oral bids be received, and that the highest bidder be awarded the contract, the District will be able to enter into direct negotiations with the existing in-place tenant.

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.}

The entire Education Code § 17473 section contains strike-outs.

Rationale: The entire section is to be waived because the District, in negotiating an agreement for the property, 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.}

The entire Education Code § 17474 section contains strike-outs.
Rationale: The entire section is to be waived because the District, in negotiating an agreement to lease the property, 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.

Rationale: Rather than specifying a certain number of days or a timeframe, the proposed language provides flexibility while ensuring a public process whereby the agreed upon terms of the new lease with existing in-place tenant are shared openly.

Exhibit B
San Diego Unified School District

RESOLUTION REQUESTING WAIVER OF EDUCATION CODE SECTIONS RELATED TO THE LEASE OF SURPLUS PROPERTY

Desired Outcome/Rationale
The San Diego Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to maximize its return on the lease of the property and provide for a use that best meets the needs of the schools and community. Since 2006, the existing in-place tenant has occupied the site and provided the District with a reliable revenue source. Even though Education Code allows a 99 year lease, when that original lease with the existing in-place tenant was executed, the District acted conservatively and only agreed to a short term lease of 15 years including all available options. The District should have initially entered into a longer term lease with the existing in-place tenant.

By allowing the District to negotiate a new lease with the existing in-place tenant, the District will avoid substantial re-tenanting costs, no gap in rental income, any broker commissions, among other financial savings to the District during a period of severe budget restrictions. Additionally, the tenant has planned facility improvements would will increase the overall value of the property.

The Property
Former Decatur Elementary Site: The District declared the subject property surplus in 1984. This is 8.3 acre former school site that is currently leased to three separate, private educational facilities. It is located at 6540 Soledad Mountain Road and was declared surplus in July of 1984. The largest current tenant is San Diego French American School. They have occupied the property since 2006. The two smaller tenants are La Jolla Preschool and La Jolla Montessori School which have occupied the property since 1997 and 1998 respectively. All three tenants have performed the terms of their leases satisfactorily, maintenance the property in above-average condition and provided the District with a reliable revenue stream throughout their occupancy.
ITEM 07
SUBJECT
California Assessment of Student Performance and Progress: Approve Commencement of a 15-Day Public Comment Period for Proposed Amendments to California Code of Regulations, Title 5, Sections 850 through 859.

SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) is responsible for the oversight of the California Assessment of Student Performance and Progress (CAASPP) System, which is governed by the California Education Code (EC) sections 60640 through 60649. The CAASPP System is to be used for the assessment of eligible elementary and secondary pupils, replacing the former Standardized Testing and Reporting (STAR) Program.

Following the completion of the second operational administration of the CAASPP System, the CDE identified changes required to the CAASPP regulations in order to improve the test administration process, incorporate policy changes made by the Smarter Balanced Assessment Consortium (Consortium), and add policies and procedures required in preparation for the addition of three new tests to the CAASPP System: the California Science Test (CAST), the California Alternate Assessment (CAA) for Science, and the California Spanish Assessment (CSA).

Some minor revisions for consistency were also made. These proposed changes were approved by the State Board of Education (SBE) at its March 2017 meeting and the rulemaking process for the amended regulations commenced on March 25, 2017. At the conclusion of the 45-day public comment period, a public hearing was held on May 8, 2017. There were no attendees at the public hearing; although written comments were received from one individual. The comments and the CDE’s responses thereto are presented in the attached Final Statement of Reasons (Attachment 3). The proposed changes to the CAASPP regulations are noted in the attached 15-day Notice of Modifications (Attachment 1) and the proposed regulations (Attachment 2).

RECOMMENDATION

The CDE recommends the SBE take the following actions:

- Approve the proposed changes to the proposed regulations
• Direct that the proposed changes be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act

• If no relevant comments to the proposed changes are received during the 15-day public comment period, the proposed regulations with changes are deemed adopted, and the CDE is directed to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval

• If any relevant comments to the proposed changes are received during the 15-day public comment period, the CDE is directed to place the proposed regulations on the SBE’s September 2017 meeting agenda for action

• Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file

**BRIEF HISTORY OF KEY ISSUES**

For a number of years, California implemented a statewide testing program as required by federal law through the STAR Program. On October 2, 2013, Governor Brown signed Assembly Bill (AB) 484 deleting the provisions of the EC referencing the STAR Program and established the CAASPP System.

Pursuant to EC Section 60640(q), *California Code of Regulations*, Title 5 (5 CCR), Sections 850 to 868 were revised by the SBE to conform to the statutory changes made in AB 484. These amendments revised definitions, requirements, responsibilities and guidelines for the administration, test security, reporting and apportionment related to the CAASPP System. The amendments were adopted initially as emergency regulations and later adopted by the OAL as permanent regulations on August 27, 2014.

Under these newly-adopted regulations, the first operational assessments took place beginning in March of 2015 through July 31, 2015, and included the new computer-based assessments provided by the Consortium. After conducting a post-test evaluation with the help of their testing contractor, the CDE recommended changes to the CAASPP regulations to address the Consortium’s policy changes, to improve test administration, and to create regulations for the new CAA for Science.

The CDE, at the direction of the SBE and in collaboration with its CAASPP testing contractor, conducted evaluations of the first operational CAASPP test administration and identified required amendments to be made to the regulations for the second operational administration, including the addition of accessibility supports in alignment with Consortium policy, the addition of a testing window for the new CAAs for English language arts/literacy and mathematics, clarifications to language needed for the new online tests (not necessary for the paper-pencil tests), and minor format and language clarifications. These amendments were adopted by the OAL on an emergency basis to allow for the timely preparation and administration of the second operational
administration of the CAASPP assessments; they were also adopted through the regular rulemaking process and approved by OAL on May 18, 2016. The CDE successfully administered the 2015–16 administration of the online CAASPP assessments March 10, 2016 through July 31, 2016.

As the third operational administration of the CAASPP assessments is under way for the 2016–17 school year and California prepares to substitute three new tests, the CAST, the CAA for Science, and the CSA, for tests aligned to former state-adopted standards the regulations must again be revised to add the necessary procedures and accessibility supports for these assessments; to update the list of existing accessibility supports to conform to changes in Consortium policy; to reorganize some sections for clarity and ease of use; and to add and revise definitions and terms to accommodate improvements in test administration procedures and reporting.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its May 2017 meeting, the SBE approved re-adoption of the Finding of Emergency and Proposed Emergency Regulations for Amendments to the 5 CCR, Sections 851 through 856
http://www.cde.ca.gov/be/ag/ag/yr17/documents/may17item05.doc.

At its March 2017 meeting, the SBE approved the commencement of permanent rulemaking for the proposed amendments to the CAASPP regulations

At its January 2017 meeting, the SBE approved the Finding of Emergency and Emergency Regulations to allow the timely preparations for the administration and reporting of the spring 2017 CAASPP administration

At its May 2016 meeting, the SBE approved the revised Finding of Emergency and approved re-adoption of the Emergency CAASPP regulations so that the CAASPP regulations would continue to be in place pending OAL’s approval of the revised permanent regulations

At its March 2016 SBE meeting, the SBE approved changes to the proposed permanent regulations and directed that the amended regulations be circulated for a 15-day public comment period, March 10–25, 2016, and directed the CDE, assuming no relevant comments to the proposed changes were received, to deem the proposed permanent regulations adopted (no relevant comments were received and the revised permanent regulations were approved by the OAL on May 16, 2016)
At its November 2015 meeting, the SBE adopted the proposed amendments to the CAASPP regulations as emergency regulations. The emergency regulations were approved by the OAL and became effective on November 23, 2015. Additionally, the SBE approved commencement of the regular rulemaking process for permanent amendments to the CAASPP regulations

http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item05-revised.doc

At its July 2014 meeting, the SBE re-adopted the emergency regulations for CAASPP. The emergency re-adoption rulemaking file was submitted to the OAL on July 16, 2014. The re-adoption of the emergency regulations was approved by the OAL on July 23, 2014. Additionally, the SBE adopted the permanent rulemaking file at its July 2014 meeting. The rulemaking file was submitted to the OAL on July 16, 2014, and permanent regulations for CAASPP were approved and became effective on August 27, 2014

http://www.cde.ca.gov/be/ag/ag/yr14/documents/jul14item08.doc

At its January 2014 meeting, the SBE for the first-time adopted proposed emergency regulations for CAASPP. The emergency regulations were approved by the OAL and became effective on February 3, 2014. Additionally, the SBE approved commencement of the regular rulemaking process for the permanent regulations

http://www.cde.ca.gov/be/ag/ag/yr14/documents/jan14item06.doc
http://www.cde.ca.gov/be/ag/ag/yr14/documents/jan14item05.doc.

FISCAL ANALYSIS (AS APPROPRIATE)

The Economic and Fiscal Impact Statement is provided as Attachment 4.

ATTACHMENT(S)

Attachment 1: 15-Day Notice of Modifications (2 pages)
Attachment 2: Proposed Regulations (37 pages)
Attachment 3: Final Statement of Reasons (4 pages)
Attachment 4: Economic and Fiscal Impact Statement (STD 399) (5 pages)
July 14, 2017

15-DAY NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS REGARDING CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS (CAASPP)

Pursuant to the requirements of Government Code section 11346.8(c), and California Code of Regulations, title 1, section 44, the State Board of Education (SBE) is providing notice of changes made to the above-referenced proposed regulation text which was the subject of a regulatory hearing on July 12, 2017.

Changes to the text:

General changes were made to the regulations to include grammatical edits, and renumbering and/or relettering to reflect deletions or additions.

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

Proposed Section 850(n) is added to define both ‘expandable items’ and ‘expandable passages.’ The addition of definitions for both is necessary to ensure that all test takers and test administrators have the same understanding concerning: the new embedded universal tool for the Primary Language Assessment (PLA) and the California Science Test (CAST), ‘expandable items’ [see Proposed Sections 854.3(a)(5) and 854.4(a)(4)]; and the existing resource, ‘expandable passages,’ which is available for the CAST, the PLA, and the CAASPP English-language arts and mathematics tests.

Proposed Section 854.3(a)(5) is added to include ‘expandable items’ to the list of universal tools that may be used for the California Science Test (CAST). The amendment is necessary as ‘expandable items’ has been recommended as an appropriate universal tool by the testing contractor and the CAASPP Technical Advisory Group and thus its inclusion supports validity and reliability in testing.

Section 854.3(a)(12) is amended to replace ‘i.e.’ with ‘e.g.’ This change was suggested by the one commenter and is necessary to allow the addition of other science charts that may be needed with the development of new items for the California Science Test (CAST). Since this is an embedded resource, any charts allowed would be delivered digitally specific to the item.
Section 854.4(a)(4) is amended to add ‘expandable items’ to the list of universal tools for the Primary Language Assessment (PLA). The amendment is necessary as ‘expandable items’ has been recommended as an appropriate universal tool by the testing contractor and the CAASPP Technical Advisory Group and thus its inclusion supports validity and reliability in testing.

Section 854.4(a)(10) is amended to add the words ‘when available’ to ‘spell check for specific writing items for PLA.’ This addition clarifies that spell check will only be available as the technology for it becomes available in the language of the test.

If you have any comments regarding the proposed changes that are the topic of this 15-day Notice, the SBE will accept written comments between July 14, 2017 and July 30, 2017, inclusive. All written comments must be submitted to the Regulations Coordinator via facsimile at 916-319-0155; email at regcomments@cde.ca.gov or mailed and received at the following address by close of business at 5:00 p.m. on July 30, 2017 and addressed to:

Patricia Alverson, Regulations Coordinator  
Legal, Audits and Compliance Branch  
Administrative Supports and Regulations Adoption Unit  
California Department of Education  
1430 N Street, Suite 5319  
Sacramento, CA 95814

All written comments received by 5:00 p.m. on July 30, 2017, which pertain to the indicated changes will be reviewed and responded to by California Department of Education (CDE) staff as part of the compilation of the rulemaking file. Written comments received by the CDE staff during the public comment period are subject to viewing under the Public Records Act.

Please note: Any written comments are to be restricted to the recent modifications as shown in the enclosed language. The SBE is not required to respond to comments received in response to this Notice on other aspects of the proposed regulation.
• The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is **underlined**; text proposed to be deleted is displayed in **strikeout**.

• The 15-day text proposed to be added is in **bold underline**, deleted text is displayed in **bold strikeout**.

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Title 5. EDUCATION

Division 1. California Department of Education

Chapter 2. Pupils

Subchapter 3.75. California Assessment of Student Performance and Progress (CAASPP)

Article 1. General

§ 850. Definitions.

For the purposes of these regulations, the following terms shall have the following meanings:

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

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

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

(d) “Alternate assessments” means any CAASPP achievement tests as provided in Education Code section 60640(k) and the test materials developed to measure the level of performance for pupils with the most significant cognitive disabilities who are unable to take the consortium summative assessments in English language arts (ELA) and mathematics pursuant to Education
Code section 60640(b)(1) or is are unable to take an assessment of science pursuant to Education Code section 60640(b)(2), even with resources.

(e) “Assessment management system” means the test operations management system which is a set of web applications that manage the registration of pupils for tests, machine or hand scoring of test items, integration of item scores into an overall test score, and delivery of scores to the data warehouse.

(f) “Assessment technology platform” means the underlying computer systems on which CAASPP applications run. It is comprised of two components, the assessment management system and the test delivery system.

(g) “California Alternate Assessments (CAAs)” are the alternate assessments and corresponding test materials in ELA, and mathematics, and science as provided for in Education Code section 60640(k) for pupils with the most significant cognitive disabilities. The CAAs are the successor alternate assessments for ELA, and mathematics, and science as identified in Education Code section 60640(b)(3).

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

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

(j) “California Standards Test for Science (CST Science)” is the assessment and corresponding test materials for science that measure the degree to which pupils are achieving the state content standards in science pursuant to Education Code section 60605.

(k) “California Spanish Assessment (CSA)” is the primary language assessment and corresponding test materials in Spanish for Reading Language Arts/Literacy that will replace the Standards-based Tests in Spanish (STS). When operational, the CSA will be the successor to the STS pursuant to Education Code section 60640(b)(5)(A) and (j).

(i) “California Science Test (CAST)” is the assessment and corresponding test materials for science pursuant to Education Code section 60640(b)(2)(B) that
measures the degree to which pupils are achieving the state-adopted standards in science pursuant to former Education Code section 60605.85.

(7)(i) “Change of construct” means a modification of the concept or skills being tested that fundamentally alters the meaning and comparability of achievement test scores.

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

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

(o)(m) “Embedded” means a resource, whether a universal tool, designated support, or accommodation, that is part of the test delivery system for the computer-based CAASPP tests.

(n)“Expandable passages/items” are embedded accessibility resources that allow the passage or item to take up a larger portion of the computer screen.

(p)(n)(o)“Instructional supports” are all supports, including those supports documented in a pupil’s IEP or Section 504 Plan, that may be used in daily instruction and for assessment(s), including language and physical supports.

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

(r)(p)(q)“Non-embedded” means a resource, whether a universal tool, designated support, or accommodation, that may be provided by the LEA and is not part of the test delivery system for the computer-based CAASPP tests.

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

(t)(s)“Operational” means a test administration that produces valid and reliable results which are used for public reporting purposes and for which pupil score reports
are required to be issued. Operational tests do not include tests still under
development, such as pilot or field tests.

(1) “Primary language test assessment” means a test as provided in Education
Code section 60640(b) and (j) and its corresponding test materials in each primary
language for which a test is available. The primary language test is the Standards-
based Test(s) in Spanish (STS) is the primary language assessment, until a
successor the CSA test becomes available operational. The accessibility supports
designated in section 854.4 do not apply to the STS.

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

(u) “Pupils with the most significant cognitive disabilities” means pupils with a
disability or disabilities as defined under section 602(3) of the Individuals with
Disabilities Education Act (IDEA) that significantly impact(s) cognitive functioning and
adaptive behavior and who require extensive, direct individualized instruction and
substantial supports to achieve measurement on academic standards, provided that:

(1) The identification of a pupil as having a particular disability as defined in IDEA
shall not determine whether or not a pupil is a pupil with the most significant cognitive
disabilities; and

(2) A pupil with the most significant cognitive disabilities must not be identified as
such based solely on the pupil’s previous low academic achievement or the pupil’s
previous need for accommodations to participate in general statewide or local
assessments.

(3) For purposes of this definition, “adaptive behavior” means behavior essential for
someone to live independently and to function safely across three domains of daily life
skills: conceptual (e.g., language, functional academics, self-direction, money
management, and time concepts); social (e.g., interpersonal skills, responsibility, self-
esteeem, wariness/naïveté, follow rules, etiquette, and social problem solving); and
practical (e.g., activities of daily living, occupational skills, safety, healthcare, and
travel).

(v) “Recently arrived English learner” means a pupil designated as an English
Learner (EL) who is in his or her first 12 months of attending a school in the United
States as specified in Education Code section 60603(v), as determined on or after April 15th of the previous school year.

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

(x)(y) “Resource(s)” refers to a universal tool, designated support, accommodation or an unlisted resource approved pursuant to section 853.8854.9. Resources (including approved unlisted resources) do not change the construct of the assessment.

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

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

(aa)(ab) “Standards-based Tests in Spanish (STS)” are the achievement tests and the corresponding test materials that are administered at the option of the LEA as the primary language test as provided in Education Code sections 60640(b) and (j).

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

(ac)(ad) “Test Administration Manuals (TAM)” means the instructions provided by the CAASPP contractor or consortium for the purpose of training and administration of the respective CAASPP tests and which must be adhered to in order to ensure the security of valid and reliable tests and the reporting of accurate results.
(ae) “Test administrator” is an employee or contractor of an LEA or an NPS who has signed a CAASPP Test Security Affidavit and has received training to administer the CAASPP achievement tests.

(f)(af) “Test delivery system” consists of the electronic systems used to display test items through an adaptive engine; accept and store item responses; score items; and restrict access to outside sources. The test delivery system includes technology required to administer computer-based tests.

(ae)(af) (ag) “Test examiner” is an employee or contractor of an LEA or an NPS who has signed a CAASPP Test Security Affidavit and has received training to administer the CAA tests. A test examiner must be a certificated or licensed LEA staff member.

(af)(ag)(ah) “Test materials” include, but are not limited to, administration manuals, administrative materials, assessment management system, practice tests, scratch paper, and test answer documents.

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

(ai)(aj) “Track” is a type of attendance or instructional schedule for schools with year-round education programs pursuant to Education Code section 37670.

(ai)(ak) “Translator” is a person who has been assigned to translate the test directions into the pupil's primary language pursuant to section 853.6854.5, who has signed a CAASPP Test Security Affidavit as identified in section 859(d), and who has received training specifically designed to prepare him or her to assist the test administrator or test examiner in the administration of the assessments pursuant to Education Code section 60640. A pupil’s parent, guardian, or sibling is not eligible to be the pupil's translator. A translator must be:

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

(ai)(ak)(al) “Universal tools” are resources of the CAASPP tests that are available to all pupils.
“Unlisted resource(s)” means an instructional support that a pupil regularly uses in daily instruction and/or assessment that has not been previously identified as a universal tool, designated support or accommodation. Because an unlisted resource has not been previously identified as a universal tool, designated support or accommodation, it may or may not change the construct of the assessment.

NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference: Sections 306, 37670, 47605, 47605.8, 47651, 56034, 60603, 60604, 60605, 60615, 60640, 60642.5 and 60642.6, Education Code; 5 CCR 11967.6; 20 U.S.C. 6311(b)(1)(E); and 34 C.F.R. Sections 200.1(d), 200.1(e), 200.1(f) and 300.160; and 5 CCR 11967.6.

Article 2. Achievement Tests and Any Primary Language Test

§ 851. Pupil Testing

(a) With the exception of pupils exempt pursuant to section 852, LEAs shall administer the achievement tests, and may administer the primary language test, to each eligible pupil as defined in section 851.5 who is enrolled in an LEA during the school's or track's selected testing period (excluding any extension period pursuant to section 855(b)(4)).

(b) The testing conducted shall be consistent with the pupil's grade of enrollment as noted in CALPADS on the first day that the pupil started testing in any component of the achievement test. Testing shall be conducted within the school's or track's available testing window pursuant to section 855.

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

(d) LEAs shall make arrangements for the testing of all eligible pupils in alternative education programs or programs conducted off campus, including, but not limited to, non-classroom based programs, continuation schools, independent study, community day schools, county community schools, juvenile court schools, or NPSs.
(e) No test may be administered in a home or hospital except by a test administrator or test examiner. No test shall be administered to a pupil by the parent, guardian, or sibling of that pupil. This subdivision does not prevent classroom aides from assisting in the administration of the test under the supervision of a test administrator or test examiner, provided that the classroom aide does not assist his or her own child, and that the classroom aide signs a CAASPP Test Security Affidavit.


§ 851.5. Eligible Pupil

For purposes of these regulations, an “eligible pupil” is as follows:

(a) For CAASPP achievement tests in ELA, a pupil in grades 3 through 8 and grade 11 who is not taking the CAA or is not a recently arrived EL pursuant to section 850(v). However, a recently arrived EL may be an eligible pupil upon request by the parent/guardian.

(b) For CAASPP achievement tests in mathematics, a pupil in grades 3 through 8 and grade 11 who is not taking the CAA.

(d) For the CAAs for ELA and mathematics, a pupil in grades 3 through 8 and grade 11 who has an IEP that designates the use of alternate assessments.

(g) For the CSTCAST Science, a pupil in grades 5, 8 and any one grade of 10, 11, or 12 in which a pupil is receiving science instruction, who:

(1) has not previously completed a CAASPP high school achievement test for science; and

(2) does not have an IEP that designates the use of an alternate or modified assessment in science.

(e) For the CAA for Science, a pupil in grades 5, 8 and any one grade of 10, 11, or 12 in which a pupil is receiving science instruction, who:

(1) has not previously completed a CAASPP high school achievement test for science; and

(2) who has an IEP that designates the use of an alternate assessments.
(f) For the CMA Science, a pupil in grades 5, 8 and 10 who has an IEP that designates the use of the modified assessment in science.

(f) For the Primary Language Assessment (PLA), a pupil in grades 3 through 8 and high school:

(1) who is receiving instruction in the language of the assessment; and/or

(2) who is seeking a measure of his or her primary language achievement (reading, writing, and listening).

g) For the STS, a pupil in grades 3 through 8 and 11:

(1) whose primary language is Spanish and who is receiving instruction in Spanish; or

(2) who is enrolled in a dual language immersion program that includes Spanish; or

(3) who is a recently arrived EL and whose primary language is Spanish.

(h) Pupil score reports will be provided for all eligible pupils who are tested take operational assessments.


§ 853. Administration

(a) The CAASPP tests pursuant to Education Code section 60640 shall be administered, scored, transmitted, and/or returned by LEAs in accordance with the corresponding TAMs or other instructions provided by the contractor or the California Department of Education (CDE) for administering, scoring, transmitting, and/or returning the tests, unless specifically provided otherwise in this subchapter, including instructions for administering the test with universal tools, designated supports, accommodations, unlisted resources or instructional supports, where appropriate, as specified in sections 853.5854 through 853.8854. The procedures shall include, but are not limited to, those designed to ensure the uniform and standardized administration, and scoring of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required pupil and school level information.

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

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

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


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

(a) All pupils shall be permitted the following embedded universal tools on the CAASPP achievement tests for ELA (including the components of reading, writing, and listening) and mathematics as specified below:

(1) breaks for reading, writing, listening, and mathematics;

(2) calculator for specific mathematics items only in grades 6 through 8 and 11;

(3) digital notepad for reading, writing, listening, and mathematics;

(4) English dictionary for writing (ELA-performance task—full write not short paragraph responses);

(5) English glossary for reading, writing, listening, and mathematics;

(6) expandable passages for reading, writing, listening, and mathematics;

(7) global notes for writing (ELA-performance task—full write not short paragraph responses);

(8) highlighter for reading, writing, listening, and mathematics;
(9) keyboard navigation for reading, writing, listening, and mathematics;
(10) mark for review for reading, writing, listening, and mathematics;
(11) mathematics tools (i.e., embedded ruler and embedded protractor) for specific mathematics items;
(12) spell check for specific writing items;
(13) strikethrough for reading, writing, listening, and mathematics;
(14) writing tools for specific pupil generated responses; or
(15) zoom for reading, writing, listening, and mathematics.
(b) All pupils shall be permitted the following non-embedded universal tools on the CAASPP tests for ELA (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:
(1) breaks;
(2) English dictionary for ELA performance task – full write not short paragraph responses;
(3) scratch paper;
(4) thesaurus for ELA performance task – full write not short paragraph responses;
(5) color overlay for science and primary language test;
(c) All pupils shall be permitted the following embedded designated supports when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or specified in the pupil's IEP or Section 504 Plan on the CAASPP achievement tests for ELA (including the components of reading, writing, and listening) and mathematics as specified below:
(1) color contrast for reading, writing, listening, and mathematics;
(2) masking for reading, writing, listening, and mathematics;
(3) text-to-speech for writing, listening, mathematics, and reading items but not reading passages;
(4) translations (glossary) for mathematics;
(5) Spanish translations (stacked) and translated test directions for mathematics; or
(6) turn off any universal tool for reading, writing, listening, and mathematics.
(d) All pupils shall be permitted the following non-embedded designated supports when determined for use by an educator or a team of educators (with parent/guardian
and pupil input as appropriate) or specified in the pupil’s IEP or Section 504 Plan on the CAASPP achievement tests for ELA (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

(1) translated directions for ELA, mathematics, science and primary language test;
(2) bilingual dictionary for writing;
(3) access to translation glossaries/word lists for science and primary language test;
(4) color contrast for reading, writing, listening, and mathematics;
(5) color overlay for reading, writing, listening, and mathematics;
(6) magnification;
(7) read aloud for writing, listening, mathematics, and reading items but not reading passages;
(8) scribe for reading, listening, and mathematics;
(9) separate setting including most beneficial time of day, special lighting or acoustics, and/or special or adaptive furniture;
(10) translations (glossary) for mathematics (only consortium-provided glossaries for paper-pencil tests);
(11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);
(12) translations (glossary) for science and primary language test; or
(13) read aloud for Spanish stacked translation in mathematics.
(14) simplified test directions for ELA and mathematics.

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

(1) American Sign Language for listening and mathematics;
(2) braille for reading, writing, listening, and mathematics;
(3) closed captioning for listening;
(4) text-to-speech for reading passages; or
(5) streamlining for reading, writing, listening, and mathematics.
(f) The following non-embedded accommodations shall be provided on the CAASPP achievement tests for ELA (including the components of reading, writing, and listening), mathematics, science, and primary language when specified in a pupil's IEP or Section 504 Plan:

(1) read aloud;
(2) American Sign Language for science;
(3) braille for paper-pencil tests;
(4) abacus for mathematics and science;
(5) alternate response options for reading, writing, listening, and mathematics;
(6) calculator for calculator-allowed mathematics items only in grades 6 through 8, and 11;
(7) multiplication table for mathematics beginning in grade 4;
(8) print on demand for reading, writing, listening, and mathematics;
(9) read aloud for reading passages;
(10) scribe for writing, science, and primary language test;
(11) speech-to-text; or
(12) large-print version of a paper-pencil test.
(13) 100s number table for mathematics beginning in grade 4.

(g) If a consortium (in which California is a participant) amends or approves of a universal tool(s), designated support(s), and/or accommodation(s) not listed in subdivisions (a) through (f), the CDE shall approve its use.

NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference: Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and 300.160(b).

§ 853.6. Instructional Supports and Resources on California Alternate Assessments (CAA).

(a) Administration of the CAA to eligible pupils shall be one-on-one (test examiner to pupil).

(b) Depending upon the pupil's disability or needs, the CAA may or may not include the student's independent use of the testing interface.
(c) With the exception of inappropriate test practices listed in the TAMs, eligible pupils may have instructional supports, including the language of instruction and physical supports, in addition to resources documented in the pupil’s IEP or Section 504 Plan.

NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference: Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and 300.160(b).

§ 853.7. Use of Designated Supports for English Learners.

(a) An EL shall be permitted the following embedded designated supports, when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or specified in the pupil’s IEP or Section 504 Plan on the CAASPP achievement tests for ELA (including the components of reading, writing, and listening) and mathematics as specified below:

(1) color contrast for reading, writing, listening, and mathematics;
(2) masking for reading, writing, listening, and mathematics;
(3) text-to-speech for writing, listening, mathematics and reading items, but not passages;
(4) translations (glossary) for mathematics;
(5) Spanish translations (stacked) and translated test directions for mathematics; or
(6) turn off any universal tool for reading, writing, listening, and mathematics.

(b) An EL shall be permitted the following non-embedded designated supports when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or specified in the pupil’s IEP or Section 504 Plan on the CAASPP achievement tests for ELA (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

(1) translated test directions for ELA mathematics, science and primary language test;
(2) bilingual dictionary for writing;
(3) access to translation glossaries/word lists for science and primary language test;
(4) color contrast for reading, writing, listening, and mathematics;
(5) color overlay for reading, writing, listening, and mathematics;
(6) magnification;
(7) read aloud for writing, listening, mathematics, and reading items but not reading passages;
(8) scribe for reading, listening, and mathematics;
(9) separate setting including most beneficial time of day, special lighting or acoustics, and/or special or adaptive furniture;
(10) translations (glossary) for mathematics (only consortium-provided glossaries for paper-pencil tests);
(11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);
(12) translations (glossary) for science and primary language test; or
(13) read aloud for Spanish stacked translation in mathematics.
(14) simplified test directions for ELA and mathematics.
(c) If a consortium (in which California is a participant) amends or approves of a designated support(s) not listed in subdivisions (a) and/or (b), the CDE shall approve its use.


§ 853.8. Unlisted Resources
(a) An LEA may submit, on behalf of a pupil who has an IEP or Section 504 Plan, a request through the assessment management system to the CDE, prior to the administration of a CAASPP achievement test, to allow the use and approval of an unlisted resource. The LEA CAASPP coordinator or the CAASPP test site coordinator shall make the request on behalf of the LEA ten business days prior to the pupil's first day of CAASPP testing. The CDE shall respond to the request within four business days from the date of the electronic transmission. Transmissions must include:
(1) LEA name and county/district/school (CDS) code;
(2) school/test site and school code;
(3) LEA CAASPP coordinator name, phone number, and email address;
(4) CAASPP test site coordinator name, phone number, and email address;

(5) school/test site selected testing period;

(6) SSID(s) for the pupil(s) for which the unlisted resource(s) is/are being requested;

(7) CAASPP test and grade;

(8) if the pupil has an IEP, include the primary disability code and/or designated Section 504 Plan; and

(9) description of the unlisted resource being requested.

(b) The use and approval of an unlisted resource must be requested annually by an LEA.

(c) The use of an unlisted resource by a pupil will not be allowed if the CDE determines its use threatens the security of the test.

(d) In addition to determining whether the unlisted resource may be used, the CDE will determine whether the unlisted resource changes the construct being measured by the CAASPP achievement test.

(1) If the CDE determines the unlisted resource changes the construct being measured, the unlisted resource will not be approved but may still be used by the pupil and the pupil will receive an individual score report. The pupil will not be counted as participating in statewide testing, which will impact the accountability participation rate indicator for the LEA.

(2) If CDE determines the unlisted resource does not change the construct being measured, the unlisted resource will be approved. The pupil will receive an individual score report and the pupil will be counted as participating in statewide testing.

(e) The following non-embedded unlisted resources have already been determined to change the construct being measured on the CAASPP achievement tests for English language arts (including the components for reading, writing, and listening), mathematics, science, and primary language and will not be approved:

(1) English dictionary for reading, listening, mathematics, science, and primary language;

(2) translated word list for ELA;

(3) calculator on mathematics items in grades 3 through 5;

(4) thesaurus for reading, listening, mathematics, science and primary language;
(5) bilingual dictionary for ELA, mathematics, science and primary language;

(6) translations (glossary) for reading, writing, listening, and mathematics when not
provided by the consortium;

(7) calculator for non-specified mathematics items or science;

(8) math tools (i.e., ruler, protractor) for mathematics items; and

(9) multiplication table for mathematics in grade 3.

NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
Section 60640, Education Code; 20 U.S.C. Section 1412(a)(16); and 34 C.F.R.
Sections 200.1 and 300.160.

§ 854.1. Use of Universal Tools, Designated Supports, and Accommodations for
English Language Arts (ELA).

(a) All pupils shall be permitted the following embedded universal tools, delivered
through an online platform, for all CAASPP achievement tests for ELA (including the
components of reading, writing, and listening) as specified below:

(1) breaks for reading, writing, and listening;

(2) digital notepad for reading, writing, and listening;

(3) English dictionary for writing (ELA-performance task(s) – full write not short
paragraph responses);

(4) English glossary for reading, writing, and listening;

(5) expandable passages for reading, writing, and listening;

(6) global notes for writing (ELA-performance task(s) – full write not short paragraph
responses)

(7) highlighter for reading, writing, and listening;

(8) keyboard navigation for reading, writing, and listening;

(9) mark for review for reading, writing, and listening;

(10) spell check for specific writing items for ELA;

(11) strikethrough for reading, writing, and listening;

(12) writing tools for specific pupil generated responses for ELA; or

(13) zoom for reading, writing, and listening.

(b) All pupils shall be permitted the following non-embedded universal tools on all
CAASPP achievement tests for ELA (including the components of reading, writing, and listening) as specified below:

(1) breaks for reading, writing, and listening;

(2) English dictionary for ELA performance task(s) – full write not short paragraph responses;

(3) scratch paper for reading, writing, and listening; or

(4) thesaurus for ELA performance task(s) – full write not short paragraph responses.

(c) All pupils shall be permitted the following embedded designated supports, delivered through an online platform, when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for ELA (including the components of reading, writing, and listening) as specified below:

(1) color contrast for reading, writing, and listening;

(2) masking for reading, writing, and listening;

(3) text-to-speech for writing, listening, and reading items but not reading passages;

or

(4) turn off any universal tool for reading, writing, and listening.

(d) All pupils shall be permitted the following non-embedded designated supports when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or as specified in the pupil’s IEP or Section 504 Plan on the CAASPP achievement tests for ELA as specified below. Included on the following list of non-embedded designated supports are language support(s) that may be appropriate for English learners or reclassified fluent English proficient pupils:

(1) bilingual dictionary for ELA performance task(s) – full write not short paragraph responses, and writing;

(2) color contrast for reading, writing, and listening;

(3) color overlay for reading, writing, and listening;

(4) magnification for reading, writing, and listening;

(5) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones) for reading, writing, and listening;
(6) read aloud for writing, listening, and reading items but not reading passages;
(7) scribe for reading and listening;
(8) separate setting for reading, writing, and listening, including most beneficial time
of day, special lighting or acoustics, and/or special or adaptive furniture;
(9) simplified test directions for reading, writing, and listening; or
(10) translated test directions for reading, writing, and listening.
(e) The following embedded accommodations, delivered through an online platform,
shall be provided when specified in the pupil’s IEP or Section 504 Plan on all CAASPP
achievement tests for ELA (including the components of reading, writing, and listening)
as specified below:
(1) American Sign Language for listening;
(2) Braille for reading, writing, and listening;
(3) closed captioning for listening;
(4) streamline for reading, writing, and listening; or
(5) text-to-speech for ELA reading passages.
(f) The following non-embedded accommodations shall be provided, when specified
in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for ELA
(including the components of reading, writing, and listening) as specified below:
(1) alternate response options for reading, writing, and listening;
(2) Braille for paper-pencil tests;
(3) large-print version of a paper-pencil test, as available;
(4) print on demand for reading, writing, and listening;
(5) read aloud for ELA reading passages;
(6) scribe for writing; or
(7) speech-to-text.
(g) If a consortium (in which California is a participant) amends or approves of a
universal tool(s), designated support(s), and/or accommodation(s) not listed in
subdivisions (a) through (f), the CDE shall approve its use.
NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and
300.160.
§ 854.2. Use of Universal Tools, Designated Supports, and Accommodations for Mathematics.

(a) All pupils shall be permitted the following embedded universal tools, delivered through an online platform, for all CAASPP achievement tests for mathematics as specified below:

(1) breaks;
(2) calculator for specific mathematics items only in grades 6 through 8 and grade 11;
(3) digital notepad;
(4) English glossary;
(5) expandable passages;
(6) highlighter;
(7) keyboard navigation;
(8) mark for review;
(9) mathematics tools (i.e., embedded ruler and embedded protractor) for specific mathematics items;
(10) strikethrough;
(11) writing tools for specific pupil generated responses; or
(12) zoom.

(b) All pupils shall be permitted the following non-embedded universal tools on all CAASPP achievement tests for mathematics as specified below:

(1) breaks; or
(2) scratch paper.

(c) All pupils shall be permitted the following embedded designated supports, delivered through an online platform, when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or as specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for mathematics as specified below. Included on the following list of embedded designated supports are language support(s) that may be appropriate for English learners or reclassified fluent English proficient pupils:
(1) color contrast;
(2) masking;
(3) text-to-speech for stimuli and items;
(4) translations (glossary):
(5) Spanish translations (stacked) and translated test directions; or
(6) turn off any universal tool.

(d) All pupils shall be permitted the following non-embedded designated supports, when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or as specified in the pupil’s IEP or Section 504 Plan on the CAASPP achievement tests for mathematics as specified below. Included on the following list of non-embedded designated supports are language support(s) that may be appropriate for English learners or reclassified fluent English proficient students:
(1) color contrast;
(2) color overlay;
(3) magnification;
(4) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);
(5) read aloud for stimuli and items;
(6) read aloud for Spanish stacked translation;
(7) scribe;
(8) separate setting, including most beneficial time of day, special lighting or acoustics, and/or special or adaptive furniture;
(9) simplified test directions;
(10) translated test directions; or
(11) translations (glossary) for mathematics (only consortium-provided glossaries for paper-pencil tests).

(e) The following embedded accommodations, delivered through an online platform, shall be provided, when specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for mathematics as specified below:
(1) American Sign Language;
(2) Braille; or
(3) streamline.

(f) The following non-embedded accommodations shall be provided when specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for mathematics as specified below:

1. 100s number table for mathematics beginning in grade 4;
2. abacus;
3. alternate response options;
4. Braille for paper-pencil tests;
5. calculator for calculator-allowed mathematics items only in grades 6 through 8, and grade 11;
6. large-print version of a paper-pencil test, as available;
7. multiplication table for mathematics beginning in grade 4;
8. print on demand; or
9. speech-to-text.

(g) If a consortium (in which California is a participant) amends or approves of a universal tool(s), designated support(s), and/or accommodation(s) not listed in subdivisions (a) through (f), the CDE shall approve its use.


§ 854.3. Use of Universal Tools, Designated Supports, and Accommodations for Science.

(a) All pupils shall be permitted the following embedded universal tools, delivered through an online platform, for the CASTs as specified below:

1. breaks;
2. calculator (four function for grade 5 and scientific for grade 8 and high school);
3. digital notepad;
4. English glossary;
5. expandable items;
6. expandable passages;
(6)(7) global notes for writing;
(7)(8) highlighter;
(8)(9) keyboard navigation;
(9)(10) mark for review;
(10)(11) mathematics tools (e.g., ruler, protractor);
(11)(12) science charts (i.e., calendar, Periodic Table of the Elements, and conversion charts);
(12)(13) science tools (e.g., interactive laboratory equipment, stop watch, static hardness key or tool, etc.);
(13)(14) strikethrough;
(14)(15) writing tools for specific pupil generated responses; or
(15)(16) zoom.

(b) All pupils shall be permitted the following non-embedded universal tools on all CAASPP achievement tests for science as specified below:
(1) breaks; or
(2) scratch paper.

(c) All pupils shall be permitted the following embedded designated supports, delivered through an online platform, when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for science as specified below. Included on the following list of embedded designated supports are language support(s) that may be appropriate for English learners or reclassified fluent English proficient pupils:
(1) color contrast;
(2) masking;
(3) Spanish translations (stacked);
(4) text-to-speech for stimuli and items;
(5) translations (glossary) for the following languages, when available: Arabic, Cantonese, Hmong, Korean, Mandarin, Punjabi, Russian, Spanish, Tagalog, and Vietnamese;
(6) turn off any universal tool(s).
(d) All pupils shall be permitted the following non-embedded designated supports, when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for science. Included on the following list of non-embedded designated supports are language support(s) that may be appropriate for English learners or reclassified fluent English proficient students:

1. 100s number table;
2. calculator (four-function for grade 5 and scientific for grade 8 and high school);
3. color contrast;
4. color overlay;
5. magnification;
6. multiplication table;
7. noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);
8. read aloud for stimuli and items;
9. science charts (state approved only, i.e., calendar, Periodic Table of the Elements, and conversion charts);
10. scribe;
11. separate setting, including most beneficial time of day, special lighting or acoustics, and/or special or adaptive furniture;
12. simplified test directions; or

(e) The following embedded accommodations, delivered through an online platform, shall be provided, when specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for science as specified below:

1. American Sign Language;
2. Braille;
3. closed captioning; or
4. streamline.
(f) The following non-embedded accommodations shall be provided when specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for science as specified below:

1. (1) abacus for specific science items;
2. (2) alternate response options;
3. (3) print on demand; or
4. (4) speech-to-text.


§ 854.4. Use of Universal Tools, Designated Supports, and Accommodations for Primary Language Assessment (PLA).

(a) All pupils shall be permitted the following embedded universal tools, delivered through an online platform, for all CAASPP achievement tests for PLA (including the components of reading, writing, and listening) as specified below:

1. (1) breaks for reading, writing, and listening;
2. (2) digital notepad for reading, writing, and listening;
3. (3) dictionary in the language of the assessment for writing (PLA-performance task – full write not short paragraph responses) – when available;
4. (4) expandable items for reading, writing, and listening;
5. (5) expandable passages for reading, writing, and listening;
6. (6) global notes for writing (PLA-performance task(s) – full write not short paragraph responses) – when available;
7. (7) highlighter for reading, writing, and listening;
8. (8) keyboard navigation for reading, writing, and listening;
9. (9) mark for review for reading, writing, and listening;
10. (10) spell check for specific writing items for PLA – when available;
11. (11) strikethrough for reading, writing, and listening;
12. (12) writing tools for specific pupil generated responses for PLA; or
13. (13) zoom for reading, writing, and listening.
(b) All pupils shall be permitted the following non-embedded universal tools on all CAASPP achievement tests for PLA (including the components of reading, writing, and listening) as specified below:

1. breaks for reading, writing, and listening;
2. dictionary in the language of the assessment for PLA performance task(s) – full write not short paragraph responses – when available;
3. scratch paper for reading, writing, and listening; or
4. thesaurus in the language of the assessment for PLA performance task(s) – full write not short paragraph responses – when available.

(c) All pupils shall be permitted the following embedded designated supports, delivered through an online platform, when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for PLA (including the components of reading, writing, and listening) as specified below:

1. color contrast for reading, writing, and listening;
2. masking for reading, writing, and listening;
3. text-to-speech for writing, listening, and reading items but not reading passages; or
4. turn off any universal tool for reading, writing, and listening.

(d) All pupils shall be permitted the following non-embedded designated supports when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or as specified in the pupil’s IEP or Section 504 Plan on the CAASPP achievement tests for PLA as specified below. Included on the following list of non-embedded designated supports are language support(s) that may be appropriate for any pupil who can benefit from their use:

1. bilingual dictionary for PLA performance task(s) – full write not short paragraph responses, and writing – when available;
2. color contrast for reading, writing, and listening;
3. color overlay for reading, writing, and listening;
4. magnification for reading, writing, and listening;
5. noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling...
headphones) for reading, writing, and listening;

(6) read aloud for writing, listening, and reading items but not reading passages;

(7) scribe for reading and listening;

(8) separate setting for reading, writing, and listening, including most beneficial time
of day, special lighting or acoustics, and/or special or adaptive furniture;

(9) simplified test directions for reading, writing, and listening; or

(10) translated test directions for reading, writing, and listening.

(e) The following embedded accommodations, delivered through an online platform,
shall be provided when specified in the pupil’s IEP or Section 504 Plan on all CAASPP
achievement tests for PLA (including the components of reading, writing, and listening)
as specified below:

(1) Braille for reading, writing, and listening;

(2) streamline for reading, writing, and listening; or

(3) text-to-speech for PLA reading passages.

(f) The following non-embedded accommodations shall be provided, when specified
in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for PLA
(including the components of reading, writing, and listening) as specified below:

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

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

(3) read aloud for PLA reading passages; or

(4) scribe for writing.

NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and
300.160.

§ 854.5. Administration, Resources, and Instructional Supports for the California
Alternate Assessments (CAAs) for English Language Arts, Mathematics, and
Science.

(a) Administration of the CAAs to eligible pupils shall be one-on-one (test examiner
to pupil).
(b) Depending upon the pupil’s disability or needs, the CAAs may or may not include the pupil’s independent use of the testing interface, or, for science, student’s independent response(s) to the embedded performance task(s).

(c) With the exception of inappropriate test practices listed in the TAM, eligible pupils may have instructional supports, including the language of instruction by a translator and physical supports, in addition to resources documented in the pupil’s IEP or Section 504 Plan.


§ 854.9. Unlisted Resources.

(a) An LEA may submit, on behalf of a pupil who has an IEP or Section 504 Plan, a request through the assessment management system to the CDE, prior to the administration of a CAASPP achievement test, to allow the use and approval of an unlisted resource. The LEA CAASPP coordinator or the CAASPP test site coordinator shall make the request on behalf of the LEA ten business days prior to the pupil’s first day of CAASPP testing. The CDE shall respond to the request within four business days from the date of the electronic transmission. Transmissions must include:

(1) LEA name and county/district/school (CDS) code;
(2) school/test site and school code;
(3) LEA CAASPP coordinator name, phone number, and email address;
(4) CAASPP test site coordinator name, phone number, and email address;
(5) school/test site selected testing period;
(6) Statewide Student Identifier(s) (SSID(s)) for the pupil(s) for which the unlisted resource(s) is/are being requested;
(7) CAASPP test and grade;
(8) if the pupil has an IEP, include the primary disability code and/or designated Section 504 Plan; and
(9) description of the unlisted resource being requested.
(b) The use and approval of an unlisted resource must be requested annually by an LEA.

(c) The use of an unlisted resource by a pupil will not be allowed if the CDE determines its use threatens the security of the test.

(d) In addition to determining whether the unlisted resource may be used, the CDE will determine whether the unlisted resource changes the construct being measured by the CAASPP achievement test.

(1) If the CDE determines the unlisted resource changes the construct being measured, the unlisted resource will not be approved but may still be used by the pupil and the pupil will receive an individual score report. The pupil will not be counted as participating in statewide testing, which will impact the accountability participation rate indicator for the LEA.

(2) If CDE determines the unlisted resource does not change the construct being measured, the unlisted resource will be approved. The pupil will receive an individual score report and the pupil will be counted as participating in statewide testing.

(e) The following non-embedded unlisted resources have already been determined to change the construct being measured on the CAASPP achievement tests for English language arts ELA (including the components for reading, writing, and listening), mathematics, science, and primary language and will not be approved:

(1) 100s number table for mathematics in grade 3;

(2) American sign language or signed exact English for reading, writing, listening, mathematics, science, and primary language;

(3) bilingual dictionary for reading, mathematics, science and primary language;

(4) calculator for non-specified mathematics items;

(5) calculator on mathematics items in grades 3 through 5;

(6) English dictionary for reading, mathematics, science, and primary language;

(7) math tools (i.e., ruler, protractor) for mathematics items; and

(8) multiplication table for mathematics in grade 3.

(9) thesaurus for reading, listening, mathematics, science and primary language

(10) translations (glossary) for reading, writing, listening, and mathematics when not provided by the consortium; and
(11) translated word list for reading, writing, listening, mathematics, science, and primary language assessments;


§ 855. Available Testing Window and Selected Testing Period(s).

(a) Beginning in the 2015-16 school year, the CAASPP operational achievement tests pursuant to Education Code section 60640(b) shall be administered to each pupil at some time during the following available testing windows:

(1) Unless otherwise stated in these regulations, the available testing window shall begin on the day in which 66 percent of the school's or track's annual instructional days have been completed, but no earlier than the second Tuesday in January of each year, and testing may continue up to and including the last day of instruction for the regular school's or track's annual calendar, but in no case later than July 15 or the next weekday following the 15th if the 15th is not a weekday.

(2) The CST Science, CMA Science, and CAPA Science in grades 5, 8, and 10 shall be administered to each pupil during an available testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's or track's annual instructional days. If an LEA elects to administer the primary language test, it shall do so during the same available window.

(3) The CAA for 2015-16 school year shall be administered during the available testing window of April 11 through June 17, 2016. Beginning in the 2016-17 school year, the CAA shall be administered to each eligible pupil during the available testing windows set forth in subdivisions (a)(1) and (2) above.

(2) The CAA for science shall be administered annually beginning on a date in September as determined by the CDE through the last day of instruction for the regular school's or track's annual calendar, but in no case later than July 15 or the next weekday following the 15th if the 15th is not a weekday.
(b) An LEA may designate one selected testing period for each school or track within the available testing window set forth in subdivision (a) above, subject to the following conditions:

(1) If a school has multiple tracks, a selected testing period may be designated for each track. (i.e., a year-round school with three tracks may select three different selected testing periods);

(2) An LEA shall not exceed 6 selected testing periods within the available testing window;

(3) A selected testing period shall be no fewer than 25 consecutive instructional days; and

(4) An LEA may extend a selected testing period up to an additional 10 consecutive instructional days if still within the available testing window set forth in subdivision (a) above.

(c) If an LEA does not designate a selected testing period for a school or track, then the available testing window, pursuant to subdivisions (a)(1) and (2) above, shall be the selected testing period for that school or track.

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


§ 856. Sales and Use Tax. [Repealed]

Note: Authority cited: Sections 33031 and 60605(g) and (h), Education Code. Reference: Section 60640, Education Code, and Sections 6051 et seq. and 6201 et seq., Revenue and Tax Code.

§ 856. Justification for Exceeding One Percent Cap on Use of Alternate Assessments

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(a) On or before a date to be specified by the State Superintendent of Public Instruction, an LEA shall annually notify the CDE in writing if in any CAASPP achievement test administration it intends to test more than one percent of the total number of pupils who are assessed using an alternate assessment aligned with alternate achievement standards based on state-adopted content standards. The following information shall be included in such notice:

1. The county, district, and school (CDS) code(s), name(s), and representative contact information for the LEA; and
2. Justification as to why the LEA needs to exceed the one percent cap on the use of an alternate assessment.


§ 859. CAASPP Test Security Agreement and Test Security Affidavit

(a) All LEA CAASPP coordinators and CAASPP test site coordinators shall sign the CAASPP Test Security Agreement, set forth in subdivision (b), before receiving any CAASPP achievement tests administered pursuant to Education Code section 60640 and corresponding test materials.

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

CAASPP TEST SECURITY AGREEMENT

I acknowledge by my signature on this form that the California Assessment of Student Performance and Progress (CAASPP) achievement tests pursuant to Education Code section 60640 are secure tests and agree to each of the following conditions to ensure test security:

1. I will take all necessary precautions to safeguard all achievement tests and corresponding test materials, whether paper-based or computer-based assessments, by limiting access to only persons within the LEA who are responsible for, and have professional interest in, the tests' security.

2. I will keep on file the names of all persons who have been trained in the administration of CAASPP achievement tests and all persons with access to achievement tests and corresponding test materials, whether paper-based or
computer-based assessments. I have and shall have all other persons having access to the achievement tests and corresponding test materials read and sign the CAASPP Test Security Affidavit that will be kept on file in the LEA office.

(3) Except during the administration of the tests, I will keep the paper-pencil tests, and corresponding test materials in a securely locked room that can be entered only with a key or keycard and, when possible, in a locked storage cabinet within that room.

(4) I will securely destroy all print-on-demand papers, scratch paper, and other documents as prescribed within the contractor's(s') or consortium's administrative manuals and documentation.

(5) With the exception of subdivision (6) below, I will deliver achievement tests and corresponding test materials or allow electronic access thereto, only on actual testing dates and only to those persons who have executed CAASPP Test Security Affidavits.

(6) For an alternate assessment (CAA and CAPA Science), I will keep all tests and testing materials in the manner set forth above in subdivisions (b)(3) and (5) except during actual testing administration or when being used by test examiners to prepare for and to administer the assessment. I will adhere to the contractor’s directions for the distribution of the corresponding test materials to test examiners.

By signing my name to this document, I am assuring that I have completely read and will abide by the above conditions.

Signed: __________________________________________________

Print Name: ______________________________________________

Title: ___________________________________________________

LEA: ___________________________________________________

Date: ____________________________________________________

(c) All test administrators, test examiners, proctors, translators, scribes, LEA CAASPP coordinators, CAASPP test site coordinators, and any other persons having access to any of the CAASPP achievement tests and corresponding test materials, assessment technology platform, or tests administered pursuant to Education Code section 60640, shall acknowledge the limited purpose of their access to the achievement tests by signing the CAASPP Test Security Affidavit set forth in subdivision (d).
(d) The CAASPP Test Security Affidavit shall be as follows:

CAASPP TEST SECURITY AFFIDAVIT

I acknowledge that I will have access to one or more of the California Assessment of Student Performance and Progress (CAASPP) achievement tests pursuant to Education Code section 60640, for the purpose of administering the test(s). I understand that these materials are highly secure and may be under copyright restrictions and it is my professional responsibility to protect their security as follows:

(1) I will not divulge the contents of the CAASPP achievement tests and corresponding test materials to any other person through verbal, written, or any other means of communication. This includes, but is not limited to, sharing or posting test content via the Internet or by email without the prior express written permission of the CDE.

(2) I will not copy or take a photo of any part of the achievement test(s) or corresponding test materials. This includes, but is not limited to, photocopying (including enlarging) and recording without the prior expressed written permission of the CDE.

(3) Except during the actual testing administrations or as otherwise provided for by law, I will keep the achievement test(s) and corresponding test materials secure until the test(s) are actually distributed to pupils when tests and testing materials are checked in and out by the CAASPP test site coordinator. Keeping materials secure means that test materials are required to be kept in a securely locked room that can be entered only with a key or keycard and, when possible, in a locked storage cabinet within that room.

(4) I will limit access to the achievement test(s) and corresponding test materials by test examinees to the actual testing periods when they are taking the test(s). I understand that only pupils who are testing and LEA staff participating in the test administration who have signed a CAASPP Test Security Affidavit may be in the room when and where an achievement test is being administered.

(A) I will keep all assigned, generated, or created usernames, passwords, and logins secure and not divulge pupil personal information to anyone other than the pupil
to whom the information pertains for the purpose of logging on to the test delivery system.

(B) I will not allow anyone other than the assigned pupils to log into their assigned test. I may assist pupils with using their information to log into their assigned test.

(C) I will not use a pupil's information to log in as a pupil or allow a pupil to log in using another pupil's information.

(5) I will not allow pupils to access electronic devices that allow them to access outside information, communicate with other pupils, or photograph or copy test content. This includes, but is not limited to, cell phones, personal digital assistants (PDAs), tablets, laptops, cameras, and electronic translation devices.

(6) I will collect and account for all achievement test materials following each testing session and will not permit pupils to remove any test materials by any means from the room(s) where testing takes place. After each testing session, I will count all test booklets and answer documents before allowing any pupil to leave the testing room and/or ensure that all pupils have properly logged off the test delivery system.

(7) I will not review any achievement test questions, passages, performance tasks, or other test items independently or with pupils or any other person at any time, including before, during, or following testing. I understand that this includes any discussion between LEA staff for training or professional development whether one-on-one or in a staff meeting.

(8) I will not, for any achievement test, develop scoring keys, review any pupil responses, or prepare answer documents. I understand that this includes coaching pupils or providing any other type of assistance to pupils that may affect their responses. This includes, but is not limited to, both verbal cues (e.g., interpreting, explaining, or paraphrasing the test items or prompts) and nonverbal cues (e.g., voice inflection, pointing, or nodding head) to the correct answer (anything that may indicate correct or incorrect answers), or completing or changing pupils' answers.

(9) I will return all achievement tests and correspondent test materials to the designated CAASPP test site coordinator each day upon completion of testing. I understand that all test booklets, answer documents, and scratch paper shall be
returned to the CAASPP test site coordinator each day immediately after testing has
been completed for storage or confidential destruction.

(10) If I administer and/or observe the administration of an alternate assessment, (CAA and CAPA Science), which means that I am a certificated or a licensed LEA employee and a trained examiner, I will keep all the alternate assessment materials in a securely locked room, and, when possible, in a locked storage cabinet within that room except when I am preparing for the administration, administering, or observing the administration of the assessment to pupils.

(11) I will actively supervise pupils throughout the paper-pencil testing session to ensure that they are working on the correct test section or part, marking their answers in the correct section of their answer documents, following instructions, and are accessing only authorized materials (non-embedded universal tools, designated supports, accommodations, instructional supports for alternate assessments or unlisted resources) needed for the test being administered.

(12) I will actively supervise pupils throughout the testing session and verify that pupils have selected the appropriate assessment for the testing session and have completed any necessary preceding test sections and/or classroom activities.

(13) I will administer the achievement test(s) in accordance with the directions for test administration and test administration manuals prepared by the CAASPP testing contractor(s), or any additional guidance provided by the CAASPP test contractor(s). I understand that the unauthorized copying, sharing, or reusing of any test booklet, test question, performance task, or answer document by any means is prohibited. This includes, but is not limited to, photocopying, recording, emailing, messaging (instant, text, or multimedia messaging service, or digital application), using a camera/camera phone, and sharing or posting test content via the Internet without the express prior written permission of the CDE.

(14) I have been trained to administer the achievement tests. By signing my name to this document, I am assuring that I have completely read this affidavit and will abide by the above conditions.

Signed: __________________________________________________

Print Name: ______________________________________________
Position: ________________________________________________

School: _________________________________________________

LEA: ____________________________________________________

Date: ____________________________________________________

(e) To maintain the security of the CAASPP assessment system, all LEA CAASPP coordinators and CAASPP test site coordinators shall immediately, within 24 hours, notify the CDE of any security breaches or testing irregularities occurring either before, during, or after the test administration(s).


06-05-17 [California Department of Education]
FINAL STATEMENT OF REASONS
California Assessment of Student Performance and Progress (CAASPP)

UPDATE OF INITIAL STATEMENT OF REASONS

The original proposed text was made available for public comment for at least 45 days from March 24, 2017 through May 8, 2017. One individual submitted comments during the 45-day comment period.

A public hearing was held at 9:30 a.m. on May 8, 2017, at the California Department of Education (CDE). No commenters attended the public hearing.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF MARCH 24, 2017 THROUGH MAY 8, 2017:

LISA HEGDAHL, PRESIDENT, CALIFORNIA SCIENCE TEACHERS ASSOCIATION

COMMENT #1: Section 854.3(a)(11), replace i.e. with e.g. as this would allow for more flexibility. This flexibility is important given that we do not have the assessment items available for review to determine the appropriateness of the charts proposed for inclusion.

ACCEPT: The commenter’s recommendation to replace ‘i.e.’ with ‘e.g.’ in the description of the embedded calendar, Periodic Table of the Elements and conversion charts that are allowed for use on the California Science Test (CAST) is accepted. This change, however, does not permit flexibility with regard to use of charts other than those delivered digitally on the computer interface as needed for a particular item. If students require a paper version of the charts, printable charts are provided as non-embedded designated supports. The use of ‘e.g.’ here will accommodate the addition of other charts, if required in the future for new items that are developed. The specific charts that are provided online have been selected as appropriate for the relevant items in the CAST. [Note: The commenter referred to Section 854.3(a)(11) which has been renumbered to Section 854.3(a)(12)]

COMMENT #2: Section 854.3(a), add spell check as an embedded universal tool.

REJECT: The commenter’s recommendation to add spell check as an embedded universal tool is rejected. There is a concern that spell check might provide an advantage in some cases where certain scientific terminology is key to the answer. Conversely, spell check may serve as a disadvantage when the term is not in the spell check database. Please note, for the CAST, word spelling in student responses does not affect student’s score.

COMMENT #3: Section 854.3(c), move (1) color contrasting, (2) masking, (4) text to-speech for stimuli and items, and (6) turn off universal tools to the list of embedded universal tools in Section 854.3 (a). These are all tools that could help a student understand what was being asked or facilitate their participation in the assessment that
does not have an influence on assessment validity and should not be limited only to those students with permission to use them.

REJECT: The commenter’s recommendation to move (1) color contrasting, (2) masking, (4) text to-speech for stimuli and items, and (6) turn off universal tools to the list of embedded universal tools in Section 854.3 (a) is rejected. Color contrast, masking, and text to speech for stimuli and items are currently embedded designated supports that are available to all students taking the California Science Test (CAST), who can benefit from them. Designated supports are designed to be assigned to students who can benefit from their use as decided by an adult or group of adults with input from parents and students as appropriate. This process helps to increase the likelihood that the resource is used by the student regularly for classroom instruction and/or assessment. Since universal tools are available to all students, upon student preference and selection, students, especially younger students who encounter them for the first time on the test may be hindered by them. The three-tiered approach for accessibility resources used by Smarter Balanced Assessment Consortium was also used for the CAST.

COMMENT #4: Section 854.3(d), move (3) color contrast, (4) color overlay, (5) magnification, and (7) noise buffers to the list of non-embedded universal tools in Section 854.3(b). These are all tools that could help a student understand what was being asked or facilitate their participation in the assessment that does not have an influence on assessment validity and should not be limited only to those students with permission to use them.

REJECT: The commenter’s recommendation to move color contrast, (4) color overlay, (5) magnification, and (7) noise buffers to the list of non-embedded universal tools in Section 854.3(b) is rejected. Currently, these non-embedded designated supports are available to all students taking the California Science Test (CAST), who can benefit from them. Designated supports are designed to be assigned to students who can benefit from their use as decided by an adult or group of adults with input from parents and students as appropriate. This process helps to increase the likelihood that the resource is used by the student regularly for classroom instruction and/or assessment. Since universal tools are available to all students upon student preference and selection, students, especially younger students who encounter them for the first time on the test may be hindered by them. The three-tiered approach for accessibility resources used by Smarter Balanced Assessment Consortium was also used for the CAST.

COMMENT #5: Section 854.3(e), move (3) closed-captioning to Section 854.3 (a) embedded universal tools. This tool could help a student understand what was being asked or facilitate their participation in the assessment that does not have an influence on assessment validity and should not be limited only to those students with permission to use them.

REJECT: The commenter’s recommendation to move (3) closed-captioning to Section
854.3 (a) embedded universal tools is rejected. Closed captioning is an accommodation available for use by students who have a documented disability for hearing. Closed captioning for those students who do not have a hearing disability may be distracting due to the visual cues present and/or those students may experience an advantage, which would not support test validity.

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

General changes were made to the regulations to include grammatical edits, and renumbering and/or relettering to reflect deletions or additions.

**Proposed Section 850(n)** is added to define both ‘expandable items’ and ‘expandable passages.’ The addition of definitions for both is necessary to ensure that all test takers and test administrators have the same understanding concerning: the new embedded universal tool for the Primary Language Assessment (PLA) and the California Science Test (CAST), ‘expandable items’ [see Proposed Sections 854.3(a)(5) and 854.4(a)(4)]; and the existing resource, ‘expandable passages,’ which is available for the CAST, the PLA, and the CAASPP English–language arts and mathematics tests.

**Proposed Section 854.3(a)(5)** is added to include ‘expandable items’ to the list of universal tools that may be used for the California Science Test (CAST). The amendment is necessary as ‘expandable items’ has been recommended as an appropriate universal tool by the testing contractor and the CAASPP Technical Advisory Group and thus its inclusion supports validity and reliability in testing.

**Section 854.3(a)(12)** is amended to replace ‘i.e.’ with ‘e.g.’ This change was suggested by the one commenter and is necessary to allow the addition of other science charts that may be needed with the development of new items for the California Science Test (CAST). Since this is an embedded resource, any charts allowed would be delivered digitally specific to the item.

**Section 854.4(a)(4)** is amended to add ‘expandable items’ to the list of universal tools for the Primary Language Assessment (PLA). The amendment is necessary as ‘expandable items’ has been recommended as an appropriate universal tool by the testing contractor and the CAASPP Technical Advisory Group and thus its inclusion supports validity and reliability in testing.

**Section 854.4(a)(10)** is amended to add the words ‘when available’ to ‘spell check for specific writing items for PLA.’ This addition clarifies that spell check will only be available as the technology for it becomes available in the language of the test.

**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.
## ECONOMIC IMPACT STATEMENT

<table>
<thead>
<tr>
<th>DEPARTMENT NAME</th>
<th>CONTACT PERSON</th>
<th>EMAIL ADDRESS</th>
<th>TELEPHONE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td>Amy Tang-Paterno</td>
<td><a href="mailto:Atangpaterno@cde.ca">Atangpaterno@cde.ca</a></td>
<td>322-6630</td>
</tr>
</tbody>
</table>

**DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400**
California Assessment of Student Performance and Progress (dated 2-10-17)

### 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 regs align to test guidelines 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(g)*)

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: _______________ and 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:

   _______________

---

05/18/17, 11:15 a.m.
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:  

05/18/17, 11:15 a.m.
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:

   Regulation:  
   Total Cost $  
   Cost-effectiveness ratio: $  

   Alternative 1:  
   Total Cost $  
   Cost-effectiveness ratio: $  

   Alternative 2:  
   Total Cost $  
   Cost-effectiveness ratio: $  

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding $50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?  

   YES  NO

   If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(e) 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
   ____________________________, 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

   ____________________________,

05/18/17, 11:15 a.m.
B. FISCAL EFFECT ON STATE GOVERNMENT

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 as they provide clarity and address issues with the existing regulations for the California Assessment of Student Performance and Progress tests.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS

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
February 23, 2017

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
2/27/17

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

05/18/17, 11:15 a.m.
Economic and Fiscal Impact Statement


**Department Name:** California Department of Education

**Contact Person:** Amy Tang-Paterno

**E-mail Address:** atangpaterno@cde.ca.gov

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

**Descriptive Title From Notice Register Or From 400:** California Assessment of Student Performance and Progress (dated February 10, 2017)

**Notice File Number:** Z

---

### Economic Impact Statement

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

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

- Selected option is H: None of the above.
- Option H explanation: *The regulations align to test guidelines 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.

---

### Fiscal Impact Statement

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

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

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

- Selected option is 4: Other. Explain. *The regulations do not impose any additional costs as they provide clarity and address issues with the existing regulations for the California Assessment of Student Performance and Progress tests.*
Section C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

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

**Fiscal Officer Signature:** Signed by Amy Tang-Paterno dated February 23, 2017

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 27, 2017

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.
ITEM 08

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).

California exercised the flexibility allowed by the Every Student Succeeds Act (ESSA) that reauthorized the federal Elementary and Secondary Education Act (ESEA) to not identify any new local educational agencies (LEA) or schools for the former accountability system, known as Program Improvement (PI), in the 2016–17 school year. LEAs and schools that received Title I, Part A funds and were identified as PI for the 2015–16 school year retained their PI status and placement year for 2016–17. Additionally, LEAs and schools that have a PI status and placement year for 2016–17 continued to implement the same interventions as when they were identified for improvement in the 2015–16 school year. For the 2017–18 school year no schools will be newly identified for PI. Previously identified PI schools will continue to conduct PI interventions.

The 2016–17 SARC includes 34 data tables and narrative descriptions, making it a comprehensive accountability tool.

The California Department of Education (CDE) recommends that the SBE approve the proposed template for the 2016–17 SARC that will be published during the 2017–18 school year (Attachment 1).

The 2016–17 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.

The proposed template continues to emphasize the Local Control Funding Formula (LCFF) 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 2015–16 SARCs, approximately 90 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 2016–17 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). These data elements are located at the beginning of the SARC template. However, additional legislation is needed to fully align the SARC with the LCAP.

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 2016–17 SARC template, to be published during the 2017–18 school year. For future years, the CDE is considering integrating the SARC template into the same technological platform used in reporting the newly released California School Dashboard in order to streamline access to school data for parents and the general public.
1. Update to the Academic Assessment Tables

The California Assessment of Student Performance and Progress (CAASPP) Test Results tables in English language arts/literacy (ELA) and in mathematics have previously been displayed by student group and by grade level (one table for each, grades three through eight and grade eleven). These tables have been modified to reflect each subject displayed by student group in one table with results of combined grades (grades three through eight and grade eleven). These data are already readily available by grade level on the CDE CAASPP Web site at http://www.cde.ca.gov/ta/tg/ca/. This modification condenses the template by 12 tables and by 12 pages (from 27 pages to 15 pages), making it a more user friendly and comprehensive accountability tool for parents and community members to gauge the performance of schools.

2. Update to the State and Federal Accountability Tables

In December 2015, President Barack Obama signed the 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 ESEA, as amended by No Child Left Behind, to the ESEA as amended by ESSA. The ED guidance specified that progress toward all teachers being highly qualified no longer needs to be reported in the accountability report cards beginning with the 2016–17 school year; therefore, the highly qualified teacher (HQT) table has been removed from the current template.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In July 2016, the SBE approved the 2015–16 SARC template that was used for SARCs published during the 2016–17 school year. The approved SARC template was modified based on the CAASPP administration and the revision of the state and federal accountability reporting requirements.

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)

2016–17
School Accountability Report Card Template
(Word Version)

(To be used to meet the state reporting requirement by February 1, 2018)

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

Posted to the CDE Web site:
September 2017

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 2017–18)

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

## School Contact Information (School Year 2017–18)

<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 2017–18)

*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 2016–17)

<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 2016–17)

<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 (with full credential)</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</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.
Quality, Currency, Availability of Textbooks and Instructional Materials (School Year 2017–18)

*Year and month in which the data were collected: _____ DPL _____*

<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>Systems: Gas Leaks, Mechanical/HVAC, Sewer</td>
<td>DPL</td>
</tr>
<tr>
<td>Interior: Interior Surfaces</td>
<td>DPL</td>
</tr>
<tr>
<td>Cleanliness: Overall</td>
<td>DPL</td>
</tr>
<tr>
<td>Cleanliness, Pest/Vermin Infestation</td>
<td>DPL</td>
</tr>
<tr>
<td>Electrical: Electrical</td>
<td>DPL</td>
</tr>
<tr>
<td>Restrooms/Fountains: Restrooms, Sinks/ Fountains</td>
<td>DPL</td>
</tr>
<tr>
<td>Safety: Fire Safety, Hazardous Materials</td>
<td>DPL</td>
</tr>
<tr>
<td>Structural: Structural Damage, Roofs</td>
<td>DPL</td>
</tr>
<tr>
<td>External: Playground/School Grounds, Windows/Doors/Gates/Fences</td>
<td>DPL</td>
</tr>
</tbody>
</table>

Overall Facility Rate

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></td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
</tr>
</tbody>
</table>

B. Pupil Outcomes

State Priority: Pupil Achievement

The SARC provides the following information relevant to the 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 grade 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 Grade Eleven (School Year 2016–17)

<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>
<td>DPC</td>
</tr>
<tr>
<td>Black or African American</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<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>
<td>DPC</td>
<td>DPC</td>
</tr>
<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>
<td>DPC</td>
<td>DPC</td>
<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>
<td>DPC</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>English Learners</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Students Receiving Migrant Education Services</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Foster Youth</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</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 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 Mathematics by Student Group
Grades Three through Eight and Grade Eleven (School Year 2016–17)

<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>
<td>DPC</td>
</tr>
<tr>
<td>Black or African American</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<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>
<td>DPC</td>
<td>DPC</td>
</tr>
<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>
<td>DPC</td>
<td>DPC</td>
<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>
<td>DPC</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>English Learners</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Students Receiving Migrant Education Services</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</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.
### 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

<table>
<thead>
<tr>
<th>Grades Five, Eight, and Ten (School Year 2016–17)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Group</td>
</tr>
<tr>
<td>All Students</td>
</tr>
<tr>
<td>Male</td>
</tr>
<tr>
<td>Female</td>
</tr>
<tr>
<td>Black or African American</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
</tr>
<tr>
<td>Asian</td>
</tr>
<tr>
<td>Filipino</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
</tr>
<tr>
<td>White</td>
</tr>
<tr>
<td>Two or More Races</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
</tr>
<tr>
<td>English Learners</td>
</tr>
<tr>
<td>Students with Disabilities</td>
</tr>
<tr>
<td>Students Receiving Migrant Education Services</td>
</tr>
<tr>
<td>Foster Youth</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 2016–17)

*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 2016–17)

<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>2016–17 Pupils Enrolled in Courses Required for UC/CSU Admission</td>
<td>DPC</td>
</tr>
<tr>
<td>2015–16 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 2016–17)

<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>
<td>DPC</td>
</tr>
<tr>
<td>7</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>9</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

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

State Priority: Parental Involvement
The SARC provides the following information relevant to the 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 2017–18)

<table>
<thead>
<tr>
<th>Narrative provided by the LEA</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dropout Rate</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Graduation Rate</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

Completion of High School Graduation Requirements – Graduating Class of 2016 (One-Year Rate)

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

### School Safety Plan (School Year 2017–18)

*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 2017–18)

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

Note: Cells with NA values do not require data.
### Average Class Size and Class Size Distribution (Elementary)

<table>
<thead>
<tr>
<th>Grade Level</th>
<th>2014–15 Number of Classes*</th>
<th>Avg. Class Size</th>
<th>2015–16 Number of Classes*</th>
<th>Avg. Class Size</th>
<th>2016–17 Number of Classes*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1-20</td>
<td>21-32</td>
<td>33+</td>
<td>1-20</td>
<td>21-32</td>
</tr>
<tr>
<td>K</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>1</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>2</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>3</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>4</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>5</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>6</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Other</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th>Subject</th>
<th>2014–15 Number of Classes*</th>
<th>Avg. Class Size</th>
<th>2015–16 Number of Classes*</th>
<th>Avg. Class Size</th>
<th>2016–17 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>
</tr>
<tr>
<td>English</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Mathematics</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Science</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Social Science</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</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 2016–17)

<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 2015–16)

<table>
<thead>
<tr>
<th>Level</th>
<th>Total Expenditures Per Pupil</th>
<th>Expenditures Per Pupil (Restricted)</th>
<th>Expenditures Per Pupil (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 2016–17)

**Narrative provided by the LEA**

Provide specific information about the types of programs and services available at the school that support and assist students.

### Teacher and Administrative Salaries (Fiscal Year 2015–16)

<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 2016–17)

<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 2017–18, 2016–17, and 2015–16. 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.)?
ITEM 09
SUBJECT

Approval of 2016–17 Consolidated Applications.

☐ Action
☐ Information
☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Each local educational agency (LEA) must submit a complete and accurate Consolidated Application (ConApp) for each fiscal year in order for the California Department of Education (CDE) to send funding to LEAs that are eligible to receive federal 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 1,700 school districts, county offices of education, and direct-funded charter schools.

RECOMMENDATION

The CDE recommends that the SBE approve the 2016–17 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 2016–17 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 (English Learner 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 2016–17 ConApp for these eight 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 2015–16 because the figures for 2016–17 cannot be determined until all applications and LEA Plans have been completed.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

For fiscal year 2016–17, the SBE has approved ConApps for 1,690 LEAs. Attachment 1 represents the sixth set of 2016–17 ConApps presented to the SBE for approval.

FISCAL ANALYSIS (AS APPROPRIATE)

The CDE provides resources to track the SBE approval status of the ConApps for approximately 1,700 LEAs. The cost to track the non-compliant status of LEAs related to programs within the ConApp is covered through a cost pool of federal funds. CDE staff communicate with LEA staff on an ongoing basis to determine the evidence needed to resolve issues, review the evidence provided by LEA staff, and maintain a tracking system to document the resolution process.
Attachment 1: Consolidated Applications List (2016–17) – Regular Approvals (1 page)
Consolidated Applications List (2016–17) – Regular Approvals

The following eight 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 is/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 2015–16 ConApp Entitlement</th>
<th>Total 2015–16 Entitlement Per Student</th>
<th>Total 2015–16 Title I Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>37754166119275</td>
<td>All Tribes Charter</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>35752590000000</td>
<td>Aromas/San Juan Unified</td>
<td>216,614</td>
<td>188</td>
<td>145,641</td>
</tr>
<tr>
<td>3</td>
<td>19647330134205</td>
<td>Arts in Action Community Middle</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>36678760133892</td>
<td>Ballington Academy for the Arts and Sciences - San Bernardino</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
<td>33769430132522</td>
<td>Baypoint Preparatory Academy</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>6</td>
<td>39686270133116</td>
<td>Insight @ San Joaquin</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>7</td>
<td>01612590134015</td>
<td>Lodestar: A Lighthouse Community Charter Public</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>8</td>
<td>45701690134031</td>
<td>New Day Academy - Shasta</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Total 2015–16 ConApp entitlement funds for above districts receiving regular approval: $216,614
ITEM 10
School Improvement Grant: Request to the U.S. Department of Education for Approval to Amend California’s Fiscal Year 2013 School Improvement Grants Application to Extend the Waiver Previously Granted Under Section 421(b) of the General Education Provisions Act, 20 United States Code Section 1225(b), to Extend the Period of Availability of the Fiscal Year 2013 School Improvement Grant Funds Awarded Under Section 1003(g) of the Elementary and Secondary Education Act of 1965, as Amended, Until September 30, 2018; Approval of the Application and Criteria for Cohort 3 Local Educational Agencies to Extend the Use of Fiscal Year 2013 School Improvement Grant Funds, Including Conditional Approval of Sub-grants Under Section 1003(g) for Local Educational Agencies and Schools Meeting State Board Approved Criteria.

SUMMARY OF THE ISSUE(S)

Amendment to California’s Cohort 3, Fiscal Year 2013, School Improvement Grant

As part of the established annual renewal process for California’s Cohort 3 fiscal year (FY) 2013 School Improvement Grant (SIG), the California Department of Education (CDE) is required to review the local educational agency’s (LEA’s) progress on meeting its annual school goals for student achievement and its progress on the federal nine leading indicators, as listed in Section III of the U.S. Department of Education (ED) SIG final requirements, for each of its Tier I and Tier II schools. According to SIG Federal Guidance, Question I-16, the CDE has discretion to examine factors such as the school’s progress on the federal nine leading indicators or the fidelity with which it is implementing the model in deciding whether to extend the LEA’s SIG funding with respect to that school.

This request to extend the availability of funds would permit California to identify and allow LEAs, with Cohort 3 SIG schools that meet specific conditions, additional time to expend remaining FY 2013 SIG funds in those schools. This extension would allow a SIG Cohort 3 LEA to continue to fully and effectively implement a SIG reform model for a fourth year of SIG implementation until September 30, 2018. California FY 2013 funds are authorized under the FY 2010 SIG final requirements.
Application and Criteria for LEAs to Extend the Use of Cohort 3, FY 2013, SIG Funds

The above amendment to California’s FY 2013 SIG Application, if approved by ED, would apply to an LEA with one or more Tier I or Tier II SIG schools that began fully implementing a SIG intervention model at the start of the 2014–15 school year (SY). An LEA that meets the above criteria and is interested in requesting the extension would need to request and receive the State’s permission to continue implementation until September 30, 2018.

The ED requires states to develop criteria to determine which LEAs have made effective use of FY 2013 funds to carry out the SIG final requirements and improve student achievement in accordance with Section 9401(d)(2)(A) of the Elementary and Secondary Education Act (ESEA) of 1965. LEAs that wish to apply for this extension must demonstrate all of the following:

- Meet annual student achievement goals in reading/English language arts (ELA) and mathematics or make progress toward meeting annual student achievement goals in reading/ELA and mathematics
- Growth on the federal nine leading indicators that are specified in the FY 2010 SIG final requirements
- Programmatic and fiscal capacity, including stakeholder support, budgets, planning, reporting status, and status of outstanding SIG findings

In approving an LEA’s request to implement the extended waiver, the State will consider all of the above criteria to determine whether an LEA will use the funds to fully and effectively implement a SIG intervention model in one or more Tier I or Tier II Cohort 3 SIG schools until September 30, 2018. This includes reviewing and approving revised LEA budgets and plans for continuing full and effective implementation of the selected intervention model during the 2017–18 SY.

RECOMMENDATION

Amendment to California’s Cohort 3, FY 2013, SIG

The CDE recommends that the State Board of Education (SBE) authorize SBE President Michael W. Kirst, in consultation with State Superintendent of Public Instruction (SSPI) Tom Torlakson, to approve the submittal of California’s request to the ED for an amendment to the State’s FY 2013 SIG Application. The letter to the ED requesting this amendment is provided as Attachment 1.

Application and Criteria for LEAs to Extend the Use of Cohort 3, FY 2013, SIG Funds

The CDE recommends that the SBE approve the list of eligible Cohort 3 LEAs and schools (Attachment 2) and the School Improvement Grant Cohort 3, Year 4, 2017–18
Continuation Application (Attachment 3) containing the criteria for eligible Cohort 3 SIG LEAs to apply. The CDE also recommends that the SBE authorize SBE President Michael W. Kirst, in consultation with SSPI Tom Torlakson, to approve funding for Cohort 3 SIG LEAs that submit an approvable application.

BRIEF HISTORY OF KEY ISSUES

Amendment to California’s Cohort 3, FY 2013, SIG

On May 13, 2013, the ED released an invitation to states to request a waiver previously granted under Section 421(b) of the General Education Provisions Act, 20 United States Code (U.S.C.) Section 1225(b), to extend the period of availability of the Cohort 1, FY 2009, SIG funds awarded under Section 1003(g) of the ESEA until September 30, 2014.

On April 21, 2014, the ED released an invitation to states to request a waiver previously granted under Section 421(b) of the General Education Provisions Act, 20 U.S.C. Section 1225(b), to extend the period of availability of the Cohort 2, FY 2012, SIG funds awarded under Section 1003(g) of the ESEA until September 30, 2016.

On April 9, 2014, the ED approved California’s application for FY 2013 funds under the SIG program, authorized by Section 1003(g) of the ESEA, as amended, as well as California’s request for an extension of the period of availability for FY 2013 SIG funds through September 30, 2017.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

California’s Cohort 3, FY 2013, SIG

On May 8, 2014, as part of SBE Item 13, the SBE took action to approve approximately $62 million in funding for FY 2013 SIG sub-grants provided under Section 1003(g) of the ESEA. California received approximately $57 million in SIG funds from the ED for FY 2013 and supplemented this amount with remaining FY 2009 SIG funds recaptured through end-of-grant billing for Cohort 1. The FY 2013 SIG Cohort 3 sub-grants currently provide funding to four districts and 11 schools.

FY 2013 SIG funds are currently used to provide three years of funding for Cohort 3 for the 2014–15, 2015–16, and 2016–17 SYs.

California’s Cohort 2, FY 2012, SIG

On January 14, 2015, as part of SBE Item 17, the SBE authorized SBE President Michael W. Kirst, in consultation with SSPI Tom Torlakson, to approve California’s request to the ED to extend the availability of California’s FY 2012 SIG allocation to September 30, 2016.
California’s Cohort 1, FY 2009, SIG

On July 11, 2013, as part of SBE Item 28, the SBE authorized SBE President Michael W. Kirst, in consultation with SSPI Tom Torlakson, to approve California’s request to the ED to extend the availability of California’s FY 2009 SIG allocation to September 30, 2014. (http://www.cde.ca.gov/be/ag/ag/yr13/documents/jul13item28.doc)

FISCAL ANALYSIS (AS APPROPRIATE)

The SIG funds provided LEAs with grants ranging from $50,000 to $2 million per school per year. California’s SIG Cohort 3 was awarded approximately $62 million under Section 1003(g) for FY 2013.

ATTACHMENT(S)

Attachment 1: DRAFT July 13, 2017, joint letter from Tom Torlakson, State Superintendent of Public Instruction, California Department of Education, and Michael W. Kirst, President, California State Board of Education, to Jason Botel, Deputy Assistant Secretary of Elementary and Secondary Education and Acting Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education, requesting an amendment to the State’s FY 2013 School Improvement Grants Application to carryover FY 2013 SIG funds until September 30, 2018 (4 Pages)

Attachment 2: Fiscal Year 2013, Cohort 3, School Improvement Grant Local Educational Agencies Estimated Remaining Funds (1 Page)

Attachment 3: School Improvement Grant Cohort 3, Year 4, 2017–18 Continuation Application (21 Pages)
Jason Botel, Deputy Assistant Secretary of Elementary and Secondary Education and
Acting Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Deputy Assistant Secretary Botel:

We are writing on behalf of the State of California to request approval of an amendment to the State’s fiscal year (FY) 2013 School Improvement Grant (SIG) Application to extend the waiver previously granted under Section 421(b) of the General Education Provisions Act, 20 United States Code Section 1225(b), to extend the period of availability of the FY 2013 SIG funds awarded under Section 1003(g) of the Elementary and Secondary Education Act (ESEA) of 1965, as amended, until September 30, 2018. This request to extend the waiver, submitted pursuant to Section 9401(d)(2) of the ESEA, would permit the State, in accordance with criteria the State develops, to identify and allow eligible local educational agencies (LEAs) with Cohort 3 SIG schools additional time to expend remaining FY 2013 SIG funds in those schools. California FY 2013 funds are authorized under the FY 2010 SIG final requirements.

This amendment, if approved, would apply to an LEA with one or more Tier I or Tier II SIG schools that began fully implementing a SIG intervention model at the start of the 2014–15 school year (SY) (Cohort 3). Such an LEA that is interested in implementing the waiver would need to request and receive the State’s permission to continue implementation until September 30, 2018.

California seeks this waiver because, based on expenditure reporting by SIG Cohort 3 LEAs to date, approximately $12.5 million of the approximately $62 million that was originally granted to LEAs remains unexpended. This means that, on average, SIG Cohort 3 LEAs have completed two and one-half years of SIG implementation and have only spent approximately 70 percent of the three-year SIG award.
California believes that the additional time to obligate FY 2013 SIG funds is in the public's interest and will enable qualifying LEAs to ensure that their Cohort 3 SIG schools are able to use remaining FY 2013 SIG funds to support continued full and effective implementation of selected SIG intervention models for one additional year.

Based on the Local Control Funding Formula (LCFF), which was passed in 2013, California has a new accountability system that is based on multiple measures. These measures are used to determine LEA and school progress toward meeting the needs of their students. The measures are based on factors that contribute to a quality education, including high school graduation rates, college/career readiness, student test scores, English learner (EL) progress, suspension rates, and parent engagement. Performance on these multiple measures will be reported through the new California School Dashboard (Dashboard). The new accountability system reflects a clear expectation that all LEAs and schools can and should improve and emphasizes equity by focusing on student group performance.

Long-term goals, and the ability for LEAs or schools to determine interim progress goals, are built into the Dashboard. As part of the SIG Cohort 3, Year 4, 2017–18 Continuation Application process, LEAs are required to describe annual progress made toward achieving the established student achievement goals in reading/English language arts and mathematics. Utilizing the Dashboard, approved SIG LEAs and their Tier I and Tier II schools will identify strengths and areas for improvement and prioritize improvement efforts, including narrowing performance gaps.

Attached to this request is a list that includes LEAs with remaining FY 2013 SIG funds that may wish to apply for an extension waiver. The list also includes the name of each school within the LEA that would use such an extension, as well as the amount of FY 2013 SIG funds remaining per school. If the amendment seeking an extended waiver of the period of availability is approved, the State assures it will:

- Provide, for each LEA with remaining FY 2013 funds that has a school applying for this extension, and for each school within the LEA that would use this extension, the amount of funds remaining.

- Approve each LEA’s request to implement the extended waiver only if the LEA has effectively used FY 2013 funds to carry out the SIG final requirements and improve student achievement in accordance with Section 9401(d)(2)(A) of the ESEA.
• Develop criteria that will determine whether an LEA can continue to fully and effectively implement one of the SIG intervention models in its Tier I or Tier II Cohort 3 SIG schools for an additional year.

• Apply the criteria it develops, prior to approving an LEA’s request to implement the extended waiver, to ensure that the LEA will use the funds to fully and effectively implement a SIG intervention model in one or more Tier I and Tier II Cohort 3 SIG schools for one additional school year, including review and approval of revised LEA budgets and plans for continuing full and effective implementation of the SIG intervention model during the 2017–18 SY.

• Develop a technical assistance and support plan that outlines how it will continue to support LEAs’ implementation of the intervention models for the selected Tier I and Tier II Cohort 3 SIG schools that are approved to implement the extended waiver.

• Develop a monitoring plan for the 2017–18 SY specifically for the LEAs that are approved to implement the extended waiver.

• Within 30 days of approving LEA requests to implement the extended waiver, post on its public Web site and submit to the ED (via e-mail to oese.ost@ed.gov) the names of the LEAs (including their National Center for Education Statistics [NCES] District Identification Number) it has approved to implement the extended waiver, the schools (including their NCES School Identification Number) within those LEAs that will benefit from the extension of the period of availability of the funds, and for each LEA and school, the amount of funds that will be extended.

Prior to submitting this amendment requesting an extended waiver, the State provided all LEAs in California with notice and a reasonable opportunity to comment on the request. This notice was made available by posting a public item on the July 2017 Agenda for the California State Board of Education (SBE). Refer to the Agenda for the July 2017 SBE meeting on the SBE Web page located at http://www.cde.ca.gov/be/ag/ag/yr17/agenda201707.asp.
If you have any questions regarding this subject, please contact Keric Ashley, Deputy Superintendent, District, School, and Innovation Branch, by phone at 916-319-0637 or by e-mail at KAshley@cde.ca.gov.

Sincerely,

Tom Torlakson
State Superintendent of Public Instruction
California Department of Education

Michael W. Kirst
President
California State Board of Education

TT/MK: sr
Attachment
### Fiscal Year 2013, Cohort 3, School Improvement Grant
#### Local Educational Agencies Estimated Remaining Funds

<table>
<thead>
<tr>
<th>Name</th>
<th>Total 3 Yr Award</th>
<th>Expenditures as of 5/10/17</th>
<th>Funds Remaining as of 5/10/17</th>
<th>% Remaining</th>
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<tbody>
<tr>
<td><strong>La Honda-Pescadero Unified</strong></td>
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<tr>
<td>LEA Budget</td>
<td>$248,318.00</td>
<td>$167,106.20</td>
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<tr>
<td>Pescadero Elementary and Middle</td>
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<td>$1,289,140.54</td>
<td>$478,885.46</td>
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<tr>
<td><strong>LEA Total</strong></td>
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<td>$1,456,243.74</td>
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<tr>
<td><strong>Los Angeles Unified</strong></td>
<td></td>
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<tr>
<td>LEA Budget</td>
<td>$2,400,000.00</td>
<td>$1,781,783.50</td>
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<td>Angeles Mesa Elementary</td>
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<td>Audubon Middle</td>
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<td>International Studies Learning Center</td>
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<td>Los Angeles High</td>
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<td>Sun Valley High</td>
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<td>$796,461.44</td>
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<td>Woodcrest Elementary</td>
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<td><strong>LEA Total</strong></td>
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<td><strong>Riverside County Office of Education</strong></td>
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<td>LEA Budget</td>
<td>$851,758.00</td>
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<td>Pescadero Elementary and Middle</td>
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<td><strong>Santa Ana Unified</strong></td>
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<tr>
<td>LEA Budget</td>
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<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Valley High School</td>
<td>$6,000,000.00</td>
<td>$4,811,916.74</td>
<td>$1,188,083.26</td>
<td>20%</td>
</tr>
<tr>
<td><strong>LEA Total</strong></td>
<td>$6,000,000.00</td>
<td>$4,811,916.74</td>
<td>$1,188,083.26</td>
<td>20%</td>
</tr>
</tbody>
</table>
School Improvement Grant
Cohort 3, Year 4

2017–18
Continuation Application

Continuation Applications must be received by the California Department of Education no later than 4 p.m. on September 1, 2017

School Turnaround Office
Improvement and Accountability Division
California Department of Education
1430 N Street, Suite 6208
Sacramento, CA 95814-5901
916-319-0833
http://www.cde.ca.gov/sp/sw/t1/sig09.asp

April 2017
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## Timeline

<table>
<thead>
<tr>
<th>Details</th>
<th>Dates</th>
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<tr>
<td>DRAFT School Improvement Grant (SIG) Cohort 3, Year 4, 2017–18</td>
<td>July 2017</td>
</tr>
<tr>
<td>Continuation Application posted to the California Department of</td>
<td></td>
</tr>
<tr>
<td>Education (CDE) SIG Web page</td>
<td></td>
</tr>
<tr>
<td>2017–18 Continuation Applications from local educational agencies</td>
<td>September 1, 2017</td>
</tr>
<tr>
<td>(LEAs) due to the CDE by mail and e-mail no later than 4 p.m.</td>
<td></td>
</tr>
<tr>
<td>2017–18 Continuation Applications reviewed by the CDE</td>
<td>September 2017</td>
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<tr>
<td>LEA notification of Continuation Application status</td>
<td>September 2017</td>
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### Reminders:

1. Check the name of the school district superintendent in the LEA using the database on the CDE California School Directory Web page at [http://www.cde.ca.gov/re/sd/index.asp](http://www.cde.ca.gov/re/sd/index.asp), and update if there are changes.

2. To obtain the National Center for Education Statistics (NCES) Identification Number, the LEA can search for a school by going to the NCES Web site at [http://nces.ed.gov/globallocator/](http://nces.ed.gov/globallocator/).

### Mail an original copy of this Continuation Application request to:

School Turnaround Office  
Improvement and Accountability Division  
California Department of Education  
1430 N Street, Suite 6208  
Sacramento, CA 95814-5901

### E-mail a copy of this Continuation Application request to:  
STO@cde.ca.gov
School Improvement Grant Continuation Application Process

A. Continuation of Funding

The continuation of Cohort 3 funding is contingent on each Cohort 3 SIG LEA meeting annual goals established by the LEA for student achievement in both reading/English language arts and mathematics, and making progress on the nine federal leading indicators described in the final requirements. In addition, the CDE has discretion to examine factors, such as the fidelity with which the LEA is implementing the model, in deciding whether to renew the LEA’s SIG sub-grant with respect to a particular SIG school.

The CDE will consider all of the following factors in determining whether the LEA’s SIG sub-grant will be extended through June 30, 2018:

- Meeting or making progress toward meeting annual student achievement goals in reading/English language arts and mathematics
- Growth on the nine federal leading indicators
- Programmatic and fiscal capacity, including stakeholder support, budgets, previous expenditures, planning, reporting status, and status of outstanding SIG findings

B. Continuation Application Submission

The SIG Cohort 3, Year 4 Continuation Application is due on or before September 1, 2017.

Applications must be formatted in Microsoft Word 2013 or later version (single spaced in 12 point Arial font with one inch margins) Both the original application and the electronic copy must be received by the School Turnaround Office on or before (not postmarked by) 4 p.m., September 1, 2017. Applicants must submit the electronic copy to STO@cde.ca.gov and the original application must be sent to the address below.

School Turnaround Office
Improvement and Accountability Division
California Department of Education
1430 N Street, Suite 6208
Sacramento, CA 95814-5901
To comply with federal Americans with Disability Act regulations, please adhere to the following guidelines:

- Submit text-based documents only (no scanned images)
- If images are included, also include alternative text for that image
- Do not use color to convey information
- Do not include images of handwritten signatures for privacy reasons

C. Grant Awards and Payments

Under the provisions of the SIG authorized under Section 1003(g) of Title I of the Elementary and Secondary Education Act of 1965, as amended (Federal Register, volume 75, p. 66363, October 28, 2010), the SIG program is a three-year grant awarded in three one-year increments. Once the CDE approves grant award extensions for the 2017–18 fiscal year (FY), the grant period will run from July 1, 2014, through June 30, 2018.

Grant payments will be subject to fulfillment of all reporting requirements.

Additional program and fiscal information related to the SIG program can be found on the CDE SIG Web page at http://www.cde.ca.gov/sp/sw/t1/sig09.asp.
2017–18 Continuation Application Cover Sheet

School Improvement Grant
Continuation Application

RECEIPT DEADLINE
4 p.m. September 1, 2017

Submit to:
School Turnaround Office
Improvement and Accountability Division
California Department of Education

1430 N Street, Suite 6208
Sacramento, CA 95814-5901

NOTE: Please print or type all information.

<table>
<thead>
<tr>
<th>County Name</th>
<th>County/District Code</th>
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<tbody>
<tr>
<td>Local Educational Agency (LEA) Name</td>
<td>LEA National Center for Education Statistics Number</td>
</tr>
<tr>
<td>LEA Address</td>
<td>FY 2017–18 Grant Amount</td>
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<tr>
<td>City</td>
<td>Zip Code</td>
</tr>
<tr>
<td>Primary Grant Contact Name</td>
<td>Grant Contact Title</td>
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<tr>
<td>Telephone Number</td>
<td>Fax Number</td>
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</table>

CERTIFICATION/ASSURANCE SECTION: As the duly authorized representative of the applicant, I have read all assurances, certifications, terms, and conditions associated with the federal School Improvement Grant (SIG) program; and I agree to comply with all requirements as a condition of funding.

I certify that all applicable state and federal rules and regulations will be observed and that to the best of my knowledge, the information contained in this application is correct and complete.

<table>
<thead>
<tr>
<th>Superintendent or Designee Name</th>
<th>Telephone Number</th>
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<tbody>
<tr>
<td>Superintendent or Designee Signature (Blue Ink)</td>
<td>Date</td>
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Signatures and Approvals

School District Approval:
The superintendent, or designee, at each school district involved in the 2017–18 Continuation Application must sign.

<table>
<thead>
<tr>
<th>School District Name</th>
<th>Name of Superintendent or Designee</th>
<th>Signature of Superintendent or Designee</th>
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School Principal Approval:
The principal of each school site involved in the 2017–18 Continuation Application must sign.

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<th>Printed Name of Principal</th>
<th>Signature of Principal</th>
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Grant Contact Information

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<td>Phone Number</td>
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<td>Fax Number</td>
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<td>Fax Number</td>
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<tr>
<td>E-mail Address</td>
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# Annual Student Achievement Goals in Reading/English Language Arts

Each participating LEA must establish clear, measurable, and challenging goals for student achievement in reading/English language arts, mathematics, and high school graduation rates (if applicable) for each SIG school. This form provides the LEA with an opportunity to describe progress made toward achieving the established student achievement goals in reading/English language arts and the extent to which each goal was met.

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1. Describe progress made toward meeting student achievement goals in reading/English language arts. (limit your response to 500 words or less)</td>
<td></td>
</tr>
<tr>
<td>2. Identify areas needing improvement in meeting student achievement goals in reading/English language arts. (limit your response to 500 words or less)</td>
<td></td>
</tr>
</tbody>
</table>
3. Discuss the plan to address all areas identified for improvement in Year 4. What data/measures will be used to determine if progress is being made? (limit your response to 500 words or less)

4. Describe the student achievement goals in reading/English language arts for Year 4. (limit your response to 500 words or less)
Annual Student Achievement Goals in Mathematics

Each participating LEA must establish clear, measurable, and challenging goals for student achievement in reading/English language arts, mathematics, and high school graduation rates (if applicable) for each SIG school. This form provides the LEA with an opportunity to describe progress made toward achieving the established student achievement goals in mathematics and the extent to which each goal was met.

1. Describe progress made toward meeting student achievement goals in mathematics. (limit your response to 500 words or less)

2. Identify areas needing improvement in meeting student achievement goals in mathematics. (limit your response to 500 words or less)
3. Discuss the plan to address all areas identified for improvement in Year 4. What data/measures will be used to determine if progress is being made? (limit your response to 500 words or less)

4. Describe the student achievement goals in mathematics for Year 4. (limit your response to 500 words or less)
Program Evaluation of School Improvement Grant
Required Components

- Briefly describe implementation of the SIG Required Components in years one through three. Describe progress made in implementing the selected intervention model and include a statement describing the greatest implementation challenges and strategies used to overcome the challenges.

- Provide evidence of progress in meeting the needs identified in the original application.

- List annual goals not met in years one through three, including a brief analysis of the reason why these goals were not met.

- Describe proposed revisions to the approved SIG Implementation Chart for Cohort 3, Year 4 based on evidence and data from years one through three. Include specific steps planned to successfully implement and sustain the selected intervention model for each SIG school.
Evaluation Systems
(Transformation Schools Only)

In the space provided, briefly describe how the LEA meets the principal and teacher evaluation requirement of taking into account data on student growth as a significant factor. Include a description of the measures used, a timeline, and how staff is involved.

Use rigorous, transparent, and equitable evaluation systems for teachers and principals that: (A) take into account data on student growth as a significant factor, as well as other factors such as multiple observation-based assessments of performance; ongoing collections of professional practice reflective of student achievement; and increased high school graduation rates, and (B) are designed and developed with teacher and principal involvement. (limit your response to 500 words or less)
Revised Implementation Chart(s)

The LEA must revise and include the revised current Implementation Chart for each SIG school reflecting all activities completed in Years 1, 2, and 3, and all activities proposed in Year 4.

The implementation chart must include the following:

- Proposed revisions identified in Program Evaluation of SIG Required Components
- Specific action steps completed and projected for all required components of the model
- The timeline to complete each action step, including beginning and ending implementation dates, using both month and year designations for actions completed in Years 1, 2, and 3, and actions to be completed in Year 4
- Person(s) responsible for ensuring that each action step is completed according to the timeline
- Documentation of evidence submitted to the California Department of Education (CDE), upon request, to verify implementation of action steps

Submit a printed copy of the revised Implementation Chart for each SIG school. Also include the electronic copy of these charts in Microsoft Excel 2013, or later, with the electronic version of this application. Ensure that all text within the spreadsheet cells is visible in the printed and electronic versions.
Revised Budget(s)

The LEA must revise and include the revised current budget for each LEA and SIG school reflecting all expenditures in Years 1, 2, and 3, and all expenditures proposed in Year 4.

Budget Guidelines

- The LEA and each SIG school must use the most current budget document and create an additional column in the excel file. Please label the additional column “Year 4 Budget.”

- The LEA may redistribute funds between eligible SIG schools within the LEA as long as the total amount of funds for all four years does not exceed $6 million per school.

- The budget(s) must include sufficient funds to implement the selected intervention fully and effectively in each SIG school the LEA commits to serve. The budgets should include a best estimate of remaining carryover funds.

- Each SIG school must obtain approval from the site’s School Site Council or appropriate organization, if applicable, for submission of all budgeted activities.

- All budgets must align with the school’s Implementation Chart that is submitted as part of the sub-grantee’s FY 2017–18 Continuation of Funding Application.

Submit a printed copy of the revised LEA budget and the revised school budget for each SIG school. Also include the electronic copy of these budgets in Microsoft Excel 2013, or later, with the electronic version of this application. Ensure that all text within the spreadsheet cells is visible in the printed and electronic versions.
School Improvement Grant
Continuation Application Checklist

Required Forms

The following forms must be included as part of the Continuation Application. Check or initial by each document, and include this form in the application package. Please compile the application packet in the order provided below and include this completed checklist in the application packet.

_____ 2017–18 Continuation Application Cover Sheet
(Must be signed in blue ink by the LEA superintendent or designee)

_____ Signatures and Approvals

_____ Grant Contact Information

_____ Annual Student Achievement Goals in Reading/English Language Arts

_____ Annual Student Achievement Goals in Mathematics

_____ Program Evaluation of School Improvement Grant Required Components

_____ Evaluation Systems (Transformation Schools Only)

_____ Revised Implementation Chart(s)

_____ Revised Budget(s)
Appendix A—General Assurances

**Note:** All sub-grantees are required to retain on file a copy of these assurances for your records and for audit purposes. Please download the 2017–18 General Assurances and Certifications form located on the CDE Funding Tools and Materials Web page at [http://www.cde.ca.gov/fg/fo/fm/](http://www.cde.ca.gov/fg/fo/fm/) under the Funding Forms tab. Do *not* submit Appendix A to the CDE; retain at the LEA.

Download the following three certifications from the CDE Funding Tools and Materials Web page at [http://www.cde.ca.gov/fg/fo/fm/](http://www.cde.ca.gov/fg/fo/fm/). The signature on the front of the application indicates acknowledgement of an agreement with all assurances. (Do *not* submit as part of the application.)

1. Drug Free Workplace
2. Lobbying
3. Debarment and Suspension
Appendix B—Sub-grant Conditions and Assurances  
(Page 1 of 3)

As a condition of the receipt of funds under this sub-grant program, the applicant agrees to comply with the following Sub-grant Conditions and Assurances.

The U.S. Department of Education (ED) requires LEAs to adhere to the following assurances:

1. Use its SIG to implement fully and effectively an intervention in each Tier I and Tier II school that the LEA commits to serve consistent with the final requirements of SIG.

2. Establish challenging annual goals for student achievement in both reading/English language arts and mathematics and measure progress on the leading indicators in Section III of the final requirements in order to monitor each Tier I, Tier II, and Tier III school that it serves with SIG funds.

3. If it implements a Restart Model in a Tier I or Tier II school, include in its contract or agreement terms and provisions to hold the charter school operator, charter management organization, or education management organization accountable for complying with the final requirements.

4. Report to the CDE the school-level data as described in this application.

Furthermore, the CDE requires LEAs to adhere to the following additional assurances:

5. Ensure that the identified strategies and related activities are incorporated in the revised LEA Plan and Single Plan for Student Achievement.

6. Follow all fiscal reporting and auditing standards required by the CDE.

7. Participate in a statewide evaluation process as determined by the State Educational Agency (SEA) and provide all required information on a timely basis.

8. Respond to any additional surveys or other methods of data collection that may be required for the full sub-grant period.

9. Use funds only for allowable costs during the sub-grant period.

10. Include in the application all required forms signed by the LEA superintendent or designee.
Appendix B—Sub-grant Conditions and Assurances  
(Page 2 of 3)

11. Use fiscal control and fund accountability procedures to ensure proper disbursement of, and accounting for, federal funds paid under the sub-grant, including the use of the federal funds to supplement, and not supplant, state and local funds, and maintenance of effort (20 United States Code Section 8891).

12. Hereby express its full understanding that not meeting all SIG requirements will result in the termination of SIG funding.

13. Ensure that funds are spent as indicated in the sub-grant proposal and agree that funds will be used only in the school(s) identified in the LEAs AO-400 sub-grant award letter.

14. All audits of financial statements will be conducted in accordance with Government Auditing Standards and with policies, procedures, and guidelines established by the Education Department General Administrative Regulations (EDGAR), Single Audit Act Amendments, and the Office of Management and Budget Circular A-133.

15. Ensure that expenditures are consistent with the federal EDGAR under Title 34, Code of Federal Regulations, which can be found on the ED Web page at http://www.ed.gov/policy/fund/reg/edgarReg/edgar.html.

16. Agree that the SEA has the right to intervene, renegotiate the sub-grant, and/or cancel the sub-grant if the sub-grant recipient fails to comply with sub-grant requirements.

17. Cooperate with any site visitations conducted by representatives of the state or regional consortia for the purpose of monitoring sub-grant implementation and expenditures, and provide all requested documentation to the SEA personnel in a timely manner.

18. Repay any funds which have been determined through a federal or state audit resolution process to have been misspent, misapplied, or otherwise not properly accounted for, and further agree to pay any collection fees that may subsequently be imposed by the federal and/or state government.

19. Administer the activities funded by this sub-grant in such a manner so as to be consistent with California’s adopted academic content standards.
20. Obligate all sub-grant funds by the end date of the sub-grant award period or re-pay any funding received, but not obligated, as well as any interest earned over $100 on the funds.

21. Maintain fiscal procedures to minimize the time elapsing between the transfer of the funds from the CDE and disbursement.

22. Comply with the reporting requirements and submit any required report forms by the due dates specified.

I hereby certify that the agency identified below will comply with all sub-grant conditions and assurances described in items 1 through 22 above.

The signature on the front of this application indicates acknowledgement and agreement to all assurances.
California State Board of Education
Meeting Agenda Items for July 12-13, 2017

ITEM 11
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, one direct-funded charter school 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 one direct-funded charter school LEA Plan 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 foster youth and 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; 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 1,907 LEA Plans.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to state operations.

ATTACHMENT(S)

Attachment 1: Direct-Funded Charter School Recommended for State Board of Education Approval (1 Page)
Direct-Funded Charter School Recommended for State Board of Education Approval

<table>
<thead>
<tr>
<th>Local Educational Agency Name</th>
<th>County-District-School Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Girls Athletic Leadership School Los Angeles</td>
<td>19 64733 0133710</td>
</tr>
</tbody>
</table>
ITEM 12
Educational Code (EC) Section 60213 requires the California Department of Education (CDE) to assess a fee from publishers participating in State Board of Education (SBE) instructional materials adoptions. The attached proposed amendment to state regulations is necessary in order to conduct instructional materials adoptions pursuant to statute. The CDE recommends SBE approval to commence the state rulemaking process of Title 5 of the California Code of Regulations (5 CCR) Section 9517.3.

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 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

Pursuant to EC 60200, the SBE is directed to adopt instructional materials "at least once...every eight years" per subject. EC Section 60213 requires the CDE to notify publishers of a pending adoption and that publishers choosing to participate will be assessed a fee based upon the number of instructional materials programs the publisher indicates will be submitted for review and the number of grade levels proposed to be covered by each program. The law also allows the SBE to reduce the
fee for defined "small publishers" applying for such a reduction. Revenue derived from these fees is budgeted as reimbursements for adoption costs.

The proposed amendments to 5 CCR Section 9517.3 would establish the details for participation, including the fee amount. EC Section 60213 stipulates that the fee “shall cover the cost of conducting the adoption” and that “general fund revenue shall not be used for the cost of conducting an adoption of instructional materials.” As a result, the CDE has raised the fee that has been set since 2005 from $5,000 to $8,000 per grade level submitted. Based on an internal analysis of the revenue and expenditures of past instructional materials adoptions and projections for the future, CDE has concluded that the proposed fee is necessary to cover the cost of an adoption.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California Constitution, Article 9, Section 7.5 provides that the SBE shall adopt instructional materials for use in grades one through eight (and pursuant to EC Section 60200, kindergarten).

In 2014 and 2015, the SBE adopted instructional materials for mathematics and English language arts/English language development, respectively. The CDE and SBE are currently engaged in the instructional materials adoption process for history–social science, which will likely result in an SBE adoption of such materials in November 2017.

Since the 2014 mathematics adoption, California statute has required publisher participation fees specified for each individual adoption, and in each case the SBE has authorized both the commencement of the rulemaking process and the final regulations. EC Section 60213, authorized via the Education Trailer Bill of 2017, stipulates that all future adoptions shall include a publisher participation fee, which necessitates this rulemaking process.

FISCAL ANALYSIS (AS APPROPRIATE)

The proposed amendments will not result in any additional costs or savings to local educational authorities, state agencies, or federal funding to the state. EC Section 60213 provides that: (1) no state general funds may be used for the cost of conducting an adoption; (2) a fee may be assessed against publishers that choose to participate in the adoption process; (3) the fee charged publishers shall offset the cost of conducting the adoption process and shall reflect CDE’s best estimate of the cost; and (4) revenue derived from the fees shall be budgeted as reimbursements and subject to review through the annual budget process.

An Economic and 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 5 CCR Section 9512 (2 pages)
Attachment 4: Economic and Fiscal Impact Statement (STD. 399) (5 pages)
NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING INSTRUCTIONAL MATERIALS ADOPTIONS.

Notice published July 28, 2017

NOTICE IS HEREBY GIVEN that the State Board of Education (SBE) proposes to adopt the Title 5 California Code of Regulations (5 CCR) 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 9:00 a.m. on September 11, 2017, 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:

Patricia Alverson, 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 11, 2017. 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 regulation substantially as described in this Notice or may modify the proposed regulation 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 regulation.

AUTHORITY AND REFERENCE

Authority: Sections 33031 and 60206, Education Code.
References: Sections 60200 and 60213, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking package proposes to amend 5 CCR Section 9517.3 to facilitate instructional materials adoptions in accordance with Education Code (EC) Section 60213.

The SBE must adopt instructional materials for use in kindergarten through eighth grade. Since 2013, as various EC sections have called for publisher participation fees for instructional materials adoptions in specific individual subject areas, 5 CCR Section 9517.3 has been amended for each successive adoption, including math in 2014, English language arts/English language development in 2015, and history–social science (HSS) in 2017.

New EC Section 60213 establishes that all future instructional materials adoptions must include publisher participation fees and be financially self-supporting. More specifically, EC Section 60213 requires the CDE to notify publishers of a pending adoption and provides that publishers choosing to participate will be assessed a fee based upon the number of instructional materials programs the publisher indicates will be submitted for review and the number of grade levels proposed to be covered by each program. In addition, EC Section 60213(d) allows the SBE to reduce the fee for defined "small publishers" applying for such a reduction. Pursuant to EC Section 60213(e), revenue derived from these fees shall be budgeted as reimbursements for adoption costs.

The proposed amendment of 5 CCR Section 9517.3 would establish the details for participation in all future instructional materials adoptions in accordance with EC 60213, including the amount of the statutorily-required fee.

Anticipated Benefits of the Proposed Regulation

This proposed amendment will foster clarity and certainty by detailing the requirements of instructional materials adoptions set forth in EC Section 60213, including the amount
of the fee, for publishers that must decide whether to participate. Without these details, the State cannot conduct instructional materials adoptions as required in the California Constitution, Article 9, Section 7.5, and EC sections 60200 and 60213.

_Determination of Inconsistency/Incompatibility with Existing State Regulations_

The CDE reviewed all related state regulations and found that none exist that are inconsistent or incompatible with the proposed amended regulation.

_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 amended regulation does 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 local educational agencies: 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. The proposed amended regulation does, however, specify the amount of the fee required by EC Section 60213 for publishers that choose to participate in the adoption process. The fee is intended to offset the cost of conducting adoptions and represents the CDE’s best estimate of such cost.

Effect on housing costs: None

Effect on small businesses: Publisher participation is voluntary, and any cost/benefit analysis by potential participants will determine outcomes. The regulation specifies details for defined “small publishers” to apply for a reduced fee for their participation.
RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SBE concludes that it is unlikely that this proposed amendment will: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Benefits of the Proposed Action: The fiscal impact of the publisher fee on business may be offset by the potential gains; therefore, individual publishers will determine whether or not they wish to participate.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE would be more effective in carrying out the purpose for which the action is proposed, 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 regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

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

David Almquist, Education Programs Consultant
Curriculum Frameworks and Instructional Resources Division
California Department of Education
1430 N Street, Room 3207
Sacramento, CA 95814
Telephone: 916-319-0444
E-mail: dalmquis@cde.ca.gov

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 regulation and has available all the information upon which the proposal is based.
TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation, 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 regulation is 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 David Almquist, Curriculum Frameworks and Instructional Resources Division, California Department of Education, 1430 N Street, Room 3207, Sacramento, CA, 95814 at 916-319-0444. It is recommended that assistance be requested at least two weeks prior to the hearing.
INITIAL STATEMENT OF REASONS
Instructional Materials Adoptions

INTRODUCTION

The California Department of Education (CDE) is proposing the amendment of a regulation in order to facilitate instructional materials adoptions as required in Education Code (EC) Section 60213. This amended regulation is necessary in order to establish and implement the details of the process for instructional materials adoptions, including the amount of the fee required by statute.

This proposal would amend California Code of Regulations, Title 5 (5 CCR), Section 9517.3.

PROBLEM AGENCY INTENDS TO ADDRESS

The California Constitution, Article 9, Section 7.5, provides that the State Board of Education (SBE) shall adopt instructional materials for use in grades one through eight (and pursuant to EC Section 60200, kindergarten).

Pursuant to EC Section 60200, the SBE is directed to adopt instructional materials "at least once…every eight years" per subject. EC Section 60213 specifies certain requirements for conducting adoptions. It specifies that the CDE must notify publishers of a pending adoption and that publishers choosing to participate will be assessed a fee based upon the number of programs the publisher indicates will be submitted for review and the number of grade levels proposed to be covered by each program. The statute also allows the SBE to reduce the fee for defined "small publishers" applying for such a reduction. Revenue derived from these fees shall be budgeted as reimbursements for adoption costs. The statute, however, lacks necessary details for implementation.

Since 2013, as various EC sections have mandated publisher participation fees for specific instructional materials adoptions, 5 CCR Section 9517.3 has been amended for each successive adoption, including math in 2014, English language arts/English language development in 2015, and history–social science (HSS) in 2017. New EC Section 60213 now establishes that all future instructional materials adoptions must include publisher participation fees and be fully self-supporting financially. The current proposed amendment to 5 CCR Section 9517.3 is needed to establish specifics for implementation of and publisher participation in such adoptions, including the amount of the participation fee required by statute.

BENEFITS ANTICIPATED FROM REGULATORY ACTION

This proposed regulation will foster clarity and certainty by detailing the requirements of instructional materials adoptions set forth in EC Section 60213, including the statutorily-required fee for publishers deciding whether to participate. These details are needed for the State to conduct instructional materials adoptions as required in the California Constitution, Article 9, Section 7.5, and EC Sections 60200 and 60213.
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:

The title of 5 CCR Section 9517.3 is amended to delete the reference to the now concluding 2017 HSS instructional materials adoption as new EC Section 60213 addresses all instructional materials adoptions generally.

5 CCR Section 9517.3(a) is amended to delete the reference to the HSS instructional materials adoption in order to now reference all instructional materials adoptions in general.

5 CCR Section 9517.3(a)(1)(A) is amended to replace the reference to HSS with the general terminology of “subject matter” in order to now reference all instructional materials adoptions.

5 CCR Section 9517.3(a)(1)(B) is amended to delete the reference to the HSS instructional materials adoption in order to now reference all instructional materials adoptions in general.

5 CCR Section 9517.3(a)(2) is amended to delete the reference to the HSS instructional materials adoption in order to now reference all instructional materials adoptions in general. This section also is amended to delete the provision that the CDE shall “mail” the required notice of adoption to publishers previously participating in adoptions and those publishers known to produce instructional materials in a particular subject. That provision is replaced with a requirement that the CDE shall “distribute” the notice to all publishers known to produce instructional materials in a particular subject. This amendment will allow the CDE to e-mail notifications to publishers rather than rely on hard copy mailings, which in the CDE’s experience is ineffective. Web posting and e-mail distribution to all CDE-known publisher contacts are effective and far-reaching distribution methodologies. Authorizing statute, EC Section 60213(a)(1), does not require physical, hard copy mailing, but simply requires the CDE to post a notice on the Department’s Web site and to “take other reasonable measures to ensure that appropriate notice is widely circulated” to potentially interested publishers.

5 CCR Section 9517.3(a)(4) is amended to replace $5,000 with $8,000 as the “per grade level for each program” publisher participation fee. This amendment is necessary in order to comply with EC Section 60213(c) which stipulates that the fee “shall cover the cost of conducting the adoption” and Section 60213(g) which stipulates that “General fund revenue shall not be used for the cost of conducting an adoption of instructional materials.” Based on its history of conducting instructional materials adoptions, CDE believes that the proposed amended fee amount is necessary to cover the cost of the adoption. Based upon the $300,000–$400,000 minimum cost of a typical
adoption, the CDE has determined that the proposed $8,000 per grade level per program fee will require the total submission of a minimum of 38 grade levels in order for the adoption to proceed.

5 CCR Section 9517.3(a)(5) is amended to delete the reference to EC Section 60212(f)(2) and replace it with EC Section 60213(d)(2). The amendment is necessary in order to identify the relevant, current statute.

5 CCR Section 9517.3(b) is amended to delete the reference to the HSS instructional materials adoption in order to now reference all instructional materials adoptions in general.

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 EC Section 60200, kindergarten). EC sections 60200 and 60213 and 5 CCR sections 9510 through 9525 establish the process by which the CDE and the SBE conduct instructional materials adoptions. This proposed amendment to 5 CCR Section 9517.3 will detail the instructional materials adoption process in accordance with EC Section 60213.

Creation or Elimination of Jobs within the State of California:

The proposed amendments essentially extend the rules that have been used in recent instructional materials adoptions in individual subjects by applying them to adoptions in general. There is a change with respect to how CDE may notify publishers and to the publisher participation fee required by EC Section 60213. There is no evidence, however, that any of the amendments will either create or eliminate jobs within California.

Creation of New or Elimination of Existing Businesses within the State of California:

The proposed amendments essentially extend the rules that have been used in recent instructional materials adoptions in individual subjects by applying them to adoptions in general. There is a change with respect to how CDE may notify publishers and to the publisher participation fee required by EC Section 60213. There is no evidence, however, that any of the amendments will either create or eliminate existing businesses within California.

Expansion of Businesses or Elimination of Businesses Currently Doing Business within the State of California:

There is no evidence that the proposed amendments will lead to the expansion or elimination of businesses currently doing business within California.
Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The proposed amended regulation facilitates instructional materials adoptions for grades kindergarten through eight, which may benefit the level of instruction given to students in those grades. The proposed amendment will have no adverse effect nor benefit on worker safety or the state’s environment.

OTHER REQUIRED SHOWINGS

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

The SBE did not rely upon any technical; theoretical; or empirical studies, reports, or documents in proposing the regulation.

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.

Facts Relied Upon to Support the Initial Determination that the Regulation Will Not Have a Significant Adverse Economic Impact on Business – Gov. Code Section 11346.2(b)(5)(A):

Participation in the instructional materials adoption process is voluntary and open to all publishers, and all publishers that choose to participate are initially assessed the same fee of $8,000 per grade level for each program. However, as authorized by EC Section 60213, the regulation allows persons or entities that qualify as “small publishers” to apply for a reduction of the fee by timely submitting the information called for in 5 CCR Section 9517.3(a)(5). Even if no fee reduction is available or given in a particular case, the regular specified fee is estimated to be only the amount necessary to cover the costs of conducting the adoption process.

Analysis of Whether the Regulation is an Efficient and Effective Means of Implementing the Law in the Least Burdensome Manner – Gov. Code Section 11346.3(e):

The proposed amended regulation has been determined to be the most efficient and effective means of implementing the law in the least burdensome manner.
An evaluation of the proposed regulations have determined they are not inconsistent/incompatible with existing regulations, pursuant to Gov. Code Section 11346.5(a)(3)(D).

05-17-17 [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. State Department of Education

Chapter 9. Instructional Materials

Subchapter 1. Elementary Instructional Materials

Article 2. Adoption of Curriculum Frameworks and Instructional Materials – Procedures

§ 9517.3. History-Social Science Instructional Materials Adoptions.

(a) The State Board of Education (SBE) adoptions of basic instructional materials for history-social science (HSS) 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 subject matter adoption;

(B) A notice of intent to hold the HSS an adoption with the information specified in section 9517.3(a)(2)(A) and (B);

(2) A notice of intent to hold the HSS an adoption shall be posted on the CDE Web site, shall be mailed to all publishers who have participated in prior adoptions, shall be mailed and distributed 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 $8,000 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) 60213(d)(2), 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 a Adoptions shall follow all other procedures set forth in this article.


05-17-17 [California Department of Education]
ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME
CA Department of Education

CONTACT PERSON
Carolyn Nealon

EMAIL ADDRESS
cnealon@cde.ca.gov

TELEPHONE NUMBER
916-319-0658

DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400
CFIRD-Instructional Materials Adoptions

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):

   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 California Department of Education estimates that the economic impact of this regulation (which includes the fiscal impact) is:
   - [X] 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][1].)

3. Enter the total number of businesses impacted: Varies (see D-3)

4. Enter the number of businesses that will be created: 0 and eliminated: 0

   Explain:

5. Indicate the geographic extent of impacts:
   - [X] Statewide
   - [ ] Local or regional (List areas):

6. Enter the number of jobs created: 0 and eliminated: 0

   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
   - [X] 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? $2-3 million
   a. Initial costs for a small business: $0  Annual ongoing costs: $0  Years: 8
   b. Initial costs for a typical business: $Vary: $8K/grade & prog.  Annual ongoing costs: $8K/grade & prog.  Years: 8
   c. Initial costs for an individual: $0  Annual ongoing costs: $0  Years: 8
   d. Describe other economic costs that may occur: Instructional materials are to be adopted at least once every eight years in each of the seven content areas. The statewide cost of these regulations assumes one complete adoption cycle, though there is no sunset date in the regulations.

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: Regulations establish a uniform publisher fee methodology, providing the necessary resources to support the timely adoption of accurate, up-to-date and relevant Instructional materials.

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: No alternatives were analyzed; fee is based on historical costs of instructional materials adoptions. Statutory changes prohibit future use of general fund revenues to support adoptions.
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></td>
<td>$</td>
<td>$ 2-3 million</td>
</tr>
<tr>
<td>Alternative 1</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Alternative 2</td>
<td>$</td>
<td></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: N/A

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></td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Alternative 1</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Alternative 2</td>
<td>$</td>
<td></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:  
   Ensures adequate resources to support the timely adoption of accurate, up-to-date and relevant instructional materials in public schools.
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. ____________________________
      Date of Election: ____________________________

   ☐ d. Issued only in response to a specific request from affected local entity(s).
      Local entity(s) affected:
      ____________________________

   ☐ e. Will be fully financed from the fees, revenue, etc. from:
      _____________________________________________
      Authorized by Section: ____________________________ of the ____________________________ Code;

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

   ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in ________________

☐ 3. Annual Savings. (approximate)

   $ ____________________________

☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

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

☐ 6. Other. Explain
      ____________________________
FISCAL IMPACT STATEMENT (CONTINUED)

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

☒ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ 320K-$370K

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 2017-18 through 2024-25 Fiscal Year

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ 

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

☐ 4. Other. Explain

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

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ 

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ 

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

☐ 4. Other. Explain

FISCAL OFFICER'S SIGNATURE

DATE 12/12/17

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 12/14/17

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

(REGULATIONS AND ORDERS). *User entries from the STD. 399 (REV. 12/2013) Form.*

**Department Name:** California Department of Education

**Contact Person:** Carolyn Nealon

**E-mail Address:** cnealon@cde.ca.gov

**Telephone Number:** 916-319-0658

**Descriptive Title From Notice Register Or From 400:** Curriculum Frameworks & Instructional Resources Division (CFIRD) Instructional Materials Adoptions

**Notice File Number:** Z

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**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 A: Impacts business and/or employees

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.

**Section A.2.** The California Department of Education estimates that the economic impact of this regulation (which includes the fiscal impact) is:

- Selected option is Below $10 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))

**Section A.3.** Enter the total number of businesses impacted: answer is, Varies (see D-2)

- Describe the types of businesses (include non-profits): entry is Textbook publishers

**Section A.4.** Enter the number of businesses that will be created: entry is 0, eliminated: entry is 0

**Section A.5.** Indicate the geographic extent of impacts:

- Selected option is Statewide
Section A.6. Enter the number of jobs created: entry is 0, and eliminated: entry is 0

Section A.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?

- Selected answer is No

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

Section B.1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? entry is $2-3 million

Section B.1.A. Initial costs for a small business: entry is $0; Annual ongoing costs: entry is $0; Years: entry is 8

Section B.1.B. Initial costs for a typical business: entry is Vary - $8K/grade and program; Annual ongoing costs: entry is $8K/grade and program; Years: entry is 8

Section B.1.C. Initial costs for an individual: entry is $0; Annual ongoing costs: entry is 0; Years: entry is 8

Section B.1.D. Describe other economic costs that may occur:

- Entry is - Instructional materials are to be adopted at least once every eight years in each of the seven content areas. The statewide cost of these regulations assumes one complete adoption cycle, though there is no sunset date in the regulations.

Section B.4. Will this regulation directly impact housing costs?

- Selected answer is No

Section B.5. Are there comparable Federal regulations?

- Selected answer is No

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

Section C.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:

- Answer is: Regulations establish a uniform publisher fee methodology; providing the necessary resources to support the timely adoption of accurate, up-to-date and relevant instructional materials.

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

- Selected option is: specific statutory requirements

Section C.3. What are the total statewide benefits from this regulation over its lifetime?

- Entry is: see C1

Section 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.)

Section D.1. List alternatives considered and describe them below. If no alternatives were considered, explain why not:
Section D.2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

- Regulation Benefit: see C1; Regulation Cost: $2-3 million

Section D.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?

- Entry in the Explain field is N/A

Section 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.

Section E.1. Will the estimated costs of this regulation to California business enterprise exceed $10 million?

- Selected answer is No. (If YES, complete E2 and E3. If NO, skip to E4)

Section E.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?

- Entered answer is 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.)

Section E.5. Briefly describe the following -- 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:

- Answer is: Ensures adequate resources to support the timely adoption of accurate, up-to-date and relevant instructional materials in public schools.

Fiscal Impact Statement

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

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

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

- Selected option is 1: Additional expenditures in the current State Fiscal Year. (Approximate). Entry is $320K - $370K
  - It is anticipated that State agencies will -- Selected option is 1.b. Increase the currently authorized budget level for the Fiscal Year. Entry is 2017-18 through 2024-25 Fiscal Year.

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

---

**Fiscal Officer Signature:** Signed by Carolyn Nealon dated June 12, 2017

>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 June 19, 2017

>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.
ITEM 13
California State Board of Education
JULY 2017 AGENDA

SUBJECT


SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE), Instructional Quality Commission (IQC), and California Department of Education (CDE) have begun the 2018 development of Computer Science Standards for California Public Schools, Kindergarten Through Grade Twelve (CA Computer Science Standards). Education Code (EC) Section 60605.4 outlines the guidelines for development of computer science standards and lists the requirements regarding the recruitment process and qualifications for members of the Computer Science Standards Advisory Committee (CSSAC). This item is second in what will be a series of items regarding the 2018 development of the CA Computer Science Standards.

RECOMMENDATION

The CDE recommends that the SBE take the following actions:

1. Approve the Guidelines for the Development of Computer Science Standards for California Public Schools, Kindergarten Through Grade Twelve (CSSAC Guidelines) as recommended by the IQC.

2. Appoint 21 members to the CSSAC, including Applicants 361 and 398 as Co-Chairs of the CSSAC, as recommended by the IQC.

BRIEF HISTORY OF KEY ISSUES

The development of the CA Computer Science Standards is a multi-step process. It involves educators, content experts, and other stakeholders participating in the focus group meetings and as members of the CSSAC. Throughout the development process, there are opportunities for public input at focus group, CSSAC, IQC, and SBE meetings and during one 60-day public review period.
Computer Science Focus Group Report

In November 2016, the CDE convened three public focus group meetings to gather input from educators and the public regarding what guidance and information should be included in the development of the CA Computer Science Standards. The CA Computer Science Focus Group Report is a summary of oral comments made at the focus group meetings and a compilation of the written comments received through December 2016 regarding the development of the CA Computer Science Standards. The report can be found on the CDE Computer Science Education Web page at http://www.cde.ca.gov/be/st/ss/computerscicontentstds.asp. Because the report is provided as information, no SBE action on the report is required. The comments in the report informed the development of guidelines for the CSSAC.

Guidelines for the CSSAC

On May 18, 2017, the IQC acted to recommend guidelines to direct the work of the CSSAC. These guidelines are based on current EC requirements, oral comments from the three focus group meetings held in November 2016, as well as written comments received during the same timeframe. The Curriculum Frameworks and Instructional Resources Division staff developed the initial draft of the guidelines. The IQC modified and approved the draft CSSAC Guidelines (Attachment 1) at its May 2017 meeting. Once approved by the SBE, the CSSAC Guidelines direct the work of the CSSAC and require the inclusion of specific content.

Appointment of CSSAC Members

The 45-day application period for appointment to the CSSAC ended on March 31, 2017. A total of 70 applications were received in response to outreach efforts to local educational agencies, institutes of higher education, stakeholder organizations, and individuals and organizations that had expressed interest in the development of the CA Computer Science Standards.

On May 18, 2017, the IQC took action to recommend to the SBE 21 applicants for appointment to the CSSAC. The requirements for the makeup of the CSSAC, as stated in EC 60605.4, are as follows:

- One-half of the members must be teachers who teach computer science, including mathematics and science teachers, in kindergarten through grade twelve.

- Other members of the CSSAC should include:
  - schoolsite principals;
  - school district or county office of education administrator;
  - university professors;
  - representatives of private sector business or industry.
The applications and resumes of the IQC-recommended applicants provide information regarding each applicant. Attachment 2 contains an applicant summary list. Full applications and resumes are available in the Board Room.

**IQC Recommendations for CSSAC**

The IQC recommends the following applicants to the SBE for appointment to the CSSAC and recommends that the SBE appoint Applicant Numbers 361 and 398 to serve as Co-Chairs of the CSSAC:

### Teachers

<table>
<thead>
<tr>
<th>Applicant Number</th>
<th>Name</th>
<th>Employer</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>337</td>
<td>Christina Cowan-Hastle</td>
<td>Auburn Unified School District</td>
<td>Teacher</td>
</tr>
<tr>
<td>343</td>
<td>Nathan Drown</td>
<td>Bellflower Unified School District</td>
<td>Teacher</td>
</tr>
<tr>
<td>345</td>
<td>Joseph Chipps</td>
<td>Los Angeles Unified School District</td>
<td>Teacher</td>
</tr>
<tr>
<td>362</td>
<td>Arthur Lopez</td>
<td>Sweetwater Union High School District</td>
<td>Teacher</td>
</tr>
<tr>
<td>367</td>
<td>Andrew Williams</td>
<td>Los Angeles Unified School District</td>
<td>Teacher</td>
</tr>
<tr>
<td>380</td>
<td>Richard Kick</td>
<td>Conejo Valley Unified School District</td>
<td>Teacher</td>
</tr>
<tr>
<td>384</td>
<td>William Epps</td>
<td>Los Angeles Unified School District</td>
<td>Teacher</td>
</tr>
<tr>
<td>391</td>
<td>Myra Deister</td>
<td>Fullerton Joint Union High School District</td>
<td>Teacher</td>
</tr>
<tr>
<td>392</td>
<td>Kevin Tambara</td>
<td>Torrance Unified School District</td>
<td>Teacher</td>
</tr>
<tr>
<td>399</td>
<td>Ann Greyson</td>
<td>Castilleja School</td>
<td>Teacher</td>
</tr>
<tr>
<td>402</td>
<td>Elise Sharp</td>
<td>Anaheim Union High School District</td>
<td>Teacher</td>
</tr>
</tbody>
</table>

### Non-Teachers

<table>
<thead>
<tr>
<th>ID</th>
<th>Name</th>
<th>Employer</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>338</td>
<td>Steve Kong</td>
<td>Riverside Unified School District</td>
<td>Instructional Services Specialist</td>
</tr>
<tr>
<td>340</td>
<td>Casey Agena</td>
<td>Code.org and Silicon Valley Education Foundation</td>
<td>Program Manager</td>
</tr>
<tr>
<td>ID</td>
<td>Name</td>
<td>Employer</td>
<td>Position</td>
</tr>
<tr>
<td>-----</td>
<td>---------------------</td>
<td>-----------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>353</td>
<td>Jared Amalong</td>
<td>Placer County Office of Education</td>
<td>Information and Communication Technology Coordinator, Capital Region Academies for the Next Economy</td>
</tr>
<tr>
<td>357</td>
<td>Stephen Callahan</td>
<td>San Joaquin County Office of Education</td>
<td>Coordinator of Educational Technology for Science Technology Engineering and Math (STEM Office)</td>
</tr>
<tr>
<td>361</td>
<td>Beth Simon</td>
<td>University of California, San Diego</td>
<td>Associate Professor</td>
</tr>
<tr>
<td>364</td>
<td>Veronica Godinez</td>
<td>Ontario-Montclair School District</td>
<td>Teacher on Assignment – Curriculum Support</td>
</tr>
<tr>
<td>371</td>
<td>Claire Shorall</td>
<td>Oakland Unified School District</td>
<td>Manager, Computer Science</td>
</tr>
<tr>
<td>388</td>
<td>Smita Kolhatkar</td>
<td>Palo Alto Unified School District</td>
<td>Educational Technology Teacher on Special Assignment</td>
</tr>
<tr>
<td>398</td>
<td>Bryan Twarek</td>
<td>San Francisco Unified School District</td>
<td>Computer Science Program Administrator</td>
</tr>
<tr>
<td>403</td>
<td>Gina Thackrey</td>
<td>Solano Beach Unified School District</td>
<td>STEM + Research + Art (STREAM) Teacher on Special Assignment</td>
</tr>
</tbody>
</table>
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE approved the Schedule of Significant Events and the CSSAC application form for the development of the CA Computer Science Standards 2018, on January 12, 2017.

FISCAL ANALYSIS (AS APPROPRIATE)

The estimated cost of the development of the CA Computer Science Standards is $344,200. This estimate includes the costs for the contracted writers, travel for the CSSAC members, production of materials for CSSAC meetings, editing and graphic design services, technology services, and IQC meetings related to the standards development.

ATTACHMENT(S)

Attachment 1: Draft Guidelines for the Development of Computer Science Standards for California Public Schools, Kindergarten Through Grade Twelve, 2018 (3 pages)

Attachment 2: 2018 Computer Science Standards Advisory Committee Applicant Summary List (7 pages). Full applications and resumes are available in the Board Room.
Draft Guidelines for the Development of Computer Science Standards for California Public Schools, Kindergarten through Grade Twelve (CA Computer Science Standards)

Per California Education Code Section 60605.4, "On or before July 31, 2019, the Instructional Quality Commission shall consider developing and recommending to the state board computer science content standards for kindergarten and grades 1 to 12, inclusive, pursuant to recommendations developed by a group of computer science experts." The following proposed guidelines are based on testimony received at three focus groups and are intended to direct the work of the expert Computer Science Standards Advisory Committee (CSSAC), to be convened by the State Superintendent of Public Instruction in consultation with the State Board of Education.

The CA Computer Science Standards shall:

1. Include an introduction that:

   a. Explains the importance of prioritizing the goal of equity and access in computer science education and describes underserved populations (including girls, low-income students, homeless students, rural students, African American and Latino students, students who are English learners, students with disabilities, and foster youth);

   b. Clearly states the basic overarching purpose and goals of computer science instruction;

   c. States a clear definition of computer science and clarifies the distinction between computer science and digital literacy and citizenship.

2. Provide substantive guidance while also allowing for flexibility and innovation across LEAs to determine from a variety of approaches how best to incorporate computer science into their curricula based on local capacity and context;

3. Be written in language accessible to teachers, curriculum leaders, and students;

4. Utilize work done by education stakeholders, including but not limited to other states who have adopted computer science standards, the national K–12 Computer Science Framework, and national organizations such as: the International Society for Technology in Education, the Computer Science Teachers’ Association, Project GUTS, Code.org, and the Partnership for 21st Century Skills;
5. Be designed for the grade spans K–2, 3–5, 6–8, 9–12 and include options for full courses in middle and high school;

6. Reflect an awareness of industry trends and the dynamic nature of the computer science industry;

7. Describe the concepts and practices that a student should know and be able to do in computer science in kindergarten through grade twelve (K–12);

8. Be vertically aligned and coherent across grade spans;

9. Be written so that they can be embedded into the early education curriculum;

10. Contain concepts and practices that can be learned without the use of a computer;

11. Be computing language, hardware, and platform independent;

12. Detail a progression of learning that provides all K–12 students with opportunities to learn computer science and provides for multiple entry points;

13. Be consistent with, supportive of, and showing integration with all other SBE-adopted curriculum standards;

14. Emphasize the artistic nature of computer science as a creative endeavor;

15. Focus on perseverance in solving real-world or community-based problems (e.g., issues of accessibility for software users);

16. Consider including activities such as:

   a. Creating an original program according to an iterative design process that involves interaction between the creator and user;

   b. Creating computational artifacts that students enjoy, artifacts that consider the needs and wants of others, and artifacts that satisfy the needs of the community;

   c. Creating modular software;

   d. Writing, reading, and modifying existing algorithms or code.
17. For secondary grades, be compatible with any University of California approved computer science course and the California Standards for Career Technical Education Career Pathways;

18. Address the legal and safe use of all of their personal devices without harming themselves or others;

19. Encourage student critical thinking and discussion about the broader ethical and social implications and questions related to the growing capabilities of technology, such as spreading of fake news through social media, the loss of jobs to automation, and others;

20. Include a glossary of computer science terms used throughout the standards;

21. Include appendixes to support the flexible implementation of the standards for both college and career readiness as well as life-long learning.
2018 Computer Science Standards Advisory Committee
Applicant Summary List

The following applicants were reviewed by the Instructional Quality Commission. The applicants being recommended by the Commission are indicated in the column on the right of the table. The full applications and resumes of the applicants (with personal contact information redacted) are available at the State Board of Education office.

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

SUMMARY OF THE ISSUE
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).

RECOMMENDATION
The CDE recommends that the SBE approve the determination of funding and the period specified for the nonclassroom-based charter schools as provided in Attachment 1.

Advisory Commission on Charter Schools Recommendation
The ACCS met on June 7, 2017, and voted unanimously to approve the CDE recommendation that the SBE approve the determinations of funding and the periods specified for the nonclassroom-based charter schools as provided in Attachment 1.

BRIEF HISTORY OF KEY ISSUES
The nonclassroom-based charter schools identified on 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 shall be for 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). However, EC Section 52056(a) requiring API ranking of schools was repealed. Alternatives were authorized by Assembly Bill 484 (Chapter 489, Statutes of 2013) to meet legislative and/or programmatic requirements. For purposes of meeting the API requirement pursuant to EC Section 47612.5(d)(2), the CDE considers the following alternatives as proposed by AB 484: (a) the most recent API calculation or (b) an average of the three most recent annual API calculations, whichever is higher.

When making a recommendation for a funding determination, the CDE also considers the number of years a charter school has been in operation and the number of years requested for the determination of funding by the charter school. As provided in Attachment 1, there are 13 charter schools that are requesting a determination of five years. The CDE recommends four years for nine charter schools that do not meet the API requirement and have been in operation for three or more years, and three years for four charter schools that have been in operation for less than three years. The CDE also recommends three years for two charter schools that are requesting four years and have been in operation for less than three years, and three years for one charter school requesting three years.

The funding determination requests are provided in Attachments 2 through 22 of Agenda Item 01 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice060717.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 recurring action item for the SBE.
FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the charter schools listed in Attachment 1 would receive apportionment funding under the Local Control Funding Formula model.

ATTACHMENT

Attachment 1: California Department of Education Determination of Funding Recommendation for Nonclassroom-based Charter Schools (3 Pages)
### California Department of Education

**Determination of Funding Recommendation for Nonclassroom-based Charter Schools**

#### Continuing Charter Schools

<table>
<thead>
<tr>
<th>County-District-School 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>10-62539-6112387</td>
<td>West Park Elementary</td>
<td>Fresno</td>
<td>West Park Charter Academy (0044)</td>
<td>1994–95</td>
<td>54.02%</td>
<td>94.51%</td>
<td>25:1</td>
<td>100% for 5 Years (2017–18 through 2021–22)</td>
<td><strong>100% for 4 Years (2017–18 through 2020–21)</strong></td>
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<tr>
<td>19-64584-1996305</td>
<td>Gorman Joint</td>
<td>Los Angeles</td>
<td>Gorman Learning Center (0285)</td>
<td>2000–2001</td>
<td>40.42%</td>
<td>80.21%</td>
<td>22:1</td>
<td>100% for 5 Years (2017–18 through 2021–22)</td>
<td><strong>100% for 4 Years (2017–18 through 2020–21)</strong></td>
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<tr>
<td>19-64246-0126003</td>
<td>Antelope Valley Union High</td>
<td>Los Angeles</td>
<td>Academies of the Antelope Valley (1415)</td>
<td>2012–13</td>
<td>81.62%</td>
<td>92.65%</td>
<td>18:1</td>
<td>100% for 5 Years (2017–18 through 2021–22)</td>
<td><strong>100% for 4 Years (2017–18 through 2020–21)</strong></td>
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<tr>
<td>19-64907-0115170</td>
<td>Pomona Unified</td>
<td>Los Angeles</td>
<td>School of Extended Educational Options (0914)</td>
<td>2007–08</td>
<td>90.05%</td>
<td>120.80%</td>
<td>25:1</td>
<td>100% for 5 Years (2017–18 through 2021–22)</td>
<td><strong>100% for 4 Years (2017–18 through 2020–21)</strong></td>
</tr>
<tr>
<td>19-75291-1996016</td>
<td>San Gabriel Unified</td>
<td>Los Angeles</td>
<td>Options for Youth San Gabriel (0117)</td>
<td>1997–98</td>
<td>44.31%</td>
<td>81.68%</td>
<td>20.83:1</td>
<td>100% for 5 Years (2017–18 through 2021–22)</td>
<td><strong>100% for 4 Years (2017–18 through 2020–21)</strong></td>
</tr>
<tr>
<td>30-10306-0132910</td>
<td>Orange County Department of Education</td>
<td>Orange</td>
<td>College and Career Preparatory Academy (1761)</td>
<td>2015–16</td>
<td>40.99%</td>
<td>80.36%</td>
<td>26.7:1#</td>
<td>100% for 5 Years (2017–18 through 2021–22)</td>
<td><em>100% for 3 Years (2017–18 through 2019–20)</em></td>
</tr>
<tr>
<td>County-District-School Code</td>
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<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>
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<tr>
<td>34-76505-0108415</td>
<td>Twin Rivers Unified</td>
<td>Sacramento</td>
<td>Heritage Peak Charter (0687)</td>
<td>2005–06</td>
<td>57.66%</td>
<td>80.41%</td>
<td>16:1</td>
<td>100% for 5 Years (2017‒18 through 2021‒22)</td>
<td><strong>100% for 4 Years (2017‒18 through 2020‒21)</strong></td>
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<tr>
<td>36-67934-3630670</td>
<td>Victor Valley Union High</td>
<td>San Bernardino</td>
<td>Options for Youth-Victorville Charter (0013)</td>
<td>1993–94</td>
<td>45.66%</td>
<td>81.62%</td>
<td>23.65:1</td>
<td>100% for 5 Years (2017‒18 through 2021‒22)</td>
<td><strong>100% for 4 Years (2017‒18 through 2020‒21)</strong></td>
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<tr>
<td>37-75416-0132472</td>
<td>Warner Unified</td>
<td>San Diego</td>
<td>California Pacific Charter Schools – San Diego (1758)</td>
<td>2015–16</td>
<td>44.30%</td>
<td>80.00%</td>
<td>13.74:1</td>
<td>100% for 5 Years (2017‒18 through 2021‒22)</td>
<td>*100% for 3 Years (2017‒18 through 2019‒20)</td>
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<tr>
<td>37-76851-0132886</td>
<td>Bonsall Unified</td>
<td>San Diego</td>
<td>Pathways Academy Charter (1767)</td>
<td>2015–16</td>
<td>40.33%</td>
<td>80.11%</td>
<td>24.85:1</td>
<td>100% for 5 Years (2017‒18 through 2021‒22)</td>
<td>*100% for 3 Years (2017‒18 through 2019‒20)</td>
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<tr>
<td>39-68627-0132365</td>
<td>New Jerusalem Elementary</td>
<td>San Joaquin</td>
<td>Delta Launch Charter (1729)</td>
<td>2015–16</td>
<td>100.00%</td>
<td>100.00%</td>
<td>25:1</td>
<td>100% for 3 Years (2017‒18 through 2019‒20)</td>
<td>***100% for 3 Years (2017‒18 through 2019‒20)</td>
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<tr>
<td>39-68650-0125849</td>
<td>Ripon Unified</td>
<td>San Joaquin</td>
<td>California Connections Academy @ Ripon (1398)</td>
<td>2012–13</td>
<td>43.15%</td>
<td>88.71%</td>
<td>22.4:1</td>
<td>100% for 5 Years (2017‒18 through 2021‒22)</td>
<td><strong>100% for 4 Years (2017‒18 through 2020‒21)</strong></td>
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<tr>
<td>42-76786-6111603</td>
<td>Santa Barbara Unified</td>
<td>Santa Barbara</td>
<td>Santa Barbara Charter (0020)</td>
<td>1993–94</td>
<td>63.29%</td>
<td>92.86%</td>
<td>17.2:1</td>
<td>100% for 5 Years (2017‒18 through 2021‒22)</td>
<td><strong>100% for 4 Years (2017‒18 through 2020‒21)</strong></td>
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<tr>
<td>51-71415-0132753</td>
<td>Meridian Elementary</td>
<td>Sutter</td>
<td>California Prep Sutter K-7 (1755)</td>
<td>2015–16</td>
<td>43.10%</td>
<td>83.01%</td>
<td>23.1:1</td>
<td>100% for 4 Years (2017–18 through 2020–21)</td>
<td>*100% for 3 Years (2017–18 through 2019–20)</td>
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<tr>
<td>51-71415-0132761</td>
<td>Meridian Elementary</td>
<td>Sutter</td>
<td>California Prep Sutter 8-12 (1756)</td>
<td>2015–16</td>
<td>42.55%</td>
<td>80.04%</td>
<td>22:1</td>
<td>100% for 4 Years (2017–18 through 2020–21)</td>
<td>*100% for 3 Years (2017–18 through 2019–20)</td>
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<tr>
<td>51-71423-0132977</td>
<td>Nuestro Elementary</td>
<td>Sutter</td>
<td>Sutter Peak Charter Academy (1764)</td>
<td>2015–16</td>
<td>55.05%</td>
<td>88.50%</td>
<td>19:1</td>
<td>100% for 5 Years (2017–18 through 2021–22)</td>
<td>*100% for 3 Years (2017–18 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).
*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 three years for a charter school that has been in operation for less than three years.
**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.
#California Code of Regulations, Title 5 Section 11963.4 requires the ratio of average daily attendance for independent study pupils to full-time certificated employees responsible for independent study to not exceed a pupil-teacher ratio of 25:1 or the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the largest unified school district, as measured by average daily attendance (ADA), in the county or counties in which the charter school operates. Santa Ana Unified has the largest ADA in Orange County with a pupil-teacher ratio of 28:69.
CALIFORNIA STATE BOARD OF EDUCATION
JULY 2017 AGENDA

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 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 10 charter schools, deny the mitigating circumstances request for one charter school, 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, 2017, and voted unanimously to approve the CDE recommendation with the stipulation that the decision regarding the mitigating circumstances request submitted by Excelsior Charter (Charter Number [#]0074) be postponed until the August 2017 ACCS meeting in order to allow the school additional time to provide supplemental information to CDE staff. Therefore, that request is not included in this item.
BRIEF HISTORY OF KEY ISSUES

The 11 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 11963.4(e) provides specific examples of the types of mitigating circumstances 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.

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.

Circle of Independent Learning – #0152

Circle of Independent Learning (COIL) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported fiscal year (FY) 2015–16 data. Therefore, COIL submitted a request to consider mitigating circumstances. A summary of the request from COIL is provided below and in Attachment 3 of Agenda Item 02 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice060717.asp.

COIL is requesting a 100 percent determination of funding for four years with the consideration of the charter school’s mitigating circumstances. COIL reported expenditures of 56.38 percent on certificated staff costs; however, it reported expenditures of 74.69 percent on instruction and instruction-related services costs, which qualifies the charter school for an 85 percent determination of funding.

COIL’s mitigating circumstances request includes the consideration of reserve set-asides for facilities expansion; future union staff costs increases; and restricted state funding not expended in FY 2015–16. As a locally-funded charter school, COIL has a dependent relationship with its chartering authority, Freemont Unified School District (FUSD). FUSD required COIL to set-aside $126,376 of funds to cover future union staff costs increases including pay, retirement, and benefit costs. These costs were expended in FY 2016–17. COIL also received Clean Energy Jobs Act funding, which $50,270 remained unspent in FY 2015–16. By considering the reserve set-aside for the increases in staff costs and omitting the unspent Clean Energy Jobs Act funding, the charter school’s instruction and instruction-related services spending ratio would be 81.07 percent. The CDE finds that since the Clean Energy Jobs Act funding is restricted, it limited the charter school’s ability to meet the full funding threshold, since the expenditures do not qualify for instruction and instruction-related services. Additionally, due to the inability for COIL to expend the funds set-aside for staff costs increases, it limited the charter school’s ability to meet the full funding threshold. The CDE recommends a funding determination of 100 percent for two years (2017–18 through 2018–19) instead of the five years requested by the charter school, as provided in Attachment 1.
Sierra Charter – #0898

Sierra Charter does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2015–16 data. Therefore, Sierra Charter submitted a request to consider mitigating circumstances. A summary of the request from Sierra Charter is provided below and in Attachment 5 of Agenda Item 02 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice060717.asp.

Sierra Charter is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. Sierra Charter reported expenditures of 61.40 percent on certificated staff costs; however, it reported expenditures of 78.12 percent on instruction and instruction-related services costs, which qualifies the charter school for an 85 percent determination of funding.

Sierra Charter’s mitigating circumstances request includes the consideration of excluding unspent Clean Energy Jobs Act funding due to some uncertainty on the timing when the funds were received, and excluding unspent Educator Effectiveness funding which was received mid-year. By omitting the $225,508 unspent Clean Energy Jobs Act funding, the charter school’s instruction and instruction-related services spending ratio would be 81.96 percent. The CDE finds that since the Clean Energy Jobs Act funding is restricted, it limited the charter school’s ability to meet the full funding threshold, since the expenditures do not qualify for instruction and instruction-related services. The CDE recommends a funding determination of 100 percent for two years (2017–18 through 2018–19) instead of the five years requested by the charter school, as provided in Attachment 1.

Plumas Charter – #0146

Plumas Charter does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2015–16 data. Therefore, Plumas Charter submitted a request to consider mitigating circumstances. A summary of the request from Plumas Charter is provided below and in Attachment 7 of Agenda Item 02 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice060717.asp.

Plumas Charter is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. Plumas Charter reported expenditures of 38.54 percent on certificated staff costs and 78.67 percent on instruction and instruction-related services costs, which make the charter school ineligible for a determination of funding. Based on Plumas Charter’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.
Plumas Charter’s mitigating circumstances request cites an unexpected increase in revenues due to increases in student enrollment late in the FY, and increasing its reserves to prepare for increases in facilities expenses. Plumas Charter’s enrollment data reflects a significant increase in FY 2015–16. As a result, higher average daily attendance increased the charter school’s Local Control Funding Formula revenues at the Second Principal apportionment. By omitting approximately $423,543 of unanticipated revenues that were not expended, the charter school’s certificated staff costs ratio would be 44.48 percent and the instruction and instruction-related services costs ratio would be 90.60 percent. The CDE finds that due to the unanticipated increase in enrollment, Plumas Charter was unable to meet the funding determination criteria for full funding. The CDE recommends a funding determination of 100 percent for two years (2017–18 through 2018–19) instead of the five years requested by the charter school, as provided in Attachment 1.

Community Collaborative Charter – #0699

Community Collaborative Charter (CCC) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2015–16 data. Therefore, CCC submitted a request to consider mitigating circumstances. A summary of the request from CCC is provided below and in Attachment 9 of Agenda Item 02 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice060717.asp.

CCC is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. CCC reported expenditures of 42.79 percent on certificated staff costs; however, it reported expenditures of 78.49 percent on instruction and instruction-related services costs, which qualifies the charter school for an 85 percent determination of funding.

CCC’s mitigating circumstances request includes the consideration of including the full cost of equipment purchased in FY 2015–16. The equipment purchases consist of multiple multifunction printers, two vehicles, and theatre lighting. CCC budgeted for the total cost of the equipment purchases; however, financial accounting requirements limit the expenditures to depreciation expenses which are amortized over the useful life of the equipment. By allowing the total cost of the multifunction printers and theatre lighting, the charter school’s instruction and instruction-related services spending ratio would be 83.06 percent. The CDE finds that the information submitted supports a consideration for mitigating circumstances and recommends a funding determination of 100 percent for two years (2017–18 through 2018–19) instead of the five years requested by the charter school, as provided in Attachment 1.

Heritage K-8 Charter – #0556

Heritage K-8 Charter (HKC) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2015–16 data. Therefore, HKC submitted a request to consider mitigating circumstances. A summary of the request from HKC is provided below and in Attachment 13 of Agenda Item 02 on
HKC is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. HKC reported expenditures of 37.08 percent on certificated staff costs and 58.66 percent on instruction and instruction-related services costs, which make the charter school ineligible for a determination of funding. Based on HKC’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.

HKC’s mitigating circumstances request cites not meeting the criteria because it added the nonclassroom-based program beginning in FY 2016–17. The funding determination spending ratios are based on HKC’s FY 2015–16 data, when the charter school operated a classroom-based program. The CDE finds that since the charter school did not contemplate meeting the nonclassroom-based expenditure requirements while it operated a classroom-based program in the prior FY, the information supports a consideration for mitigating circumstances. The CDE recommends a funding determination of 100 percent for two years (2017–18 through 2018–19) instead of the five years requested by the charter school, as provided in Attachment 1.

Classical Academy High – #0759

Classical Academy High (CAH) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2015–16 data. Therefore, CAH submitted a request to consider mitigating circumstances. A summary of the request from CAH is provided below and in Attachment 15 of Agenda Item 02 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice060717.asp.

CAH is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. CAH reported expenditures of 40.65 percent on certificated staff costs; however, it reported expenditures of 77.12 percent on instruction and instruction-related services costs, which qualifies the charter school for an 85 percent determination of funding.

CAH’s mitigating circumstances request includes the consideration of including additional facilities costs, reserves, and late apportionment payments. CAH opened a new facility in FY 2013–14, which was funded with a 30-year bond, and subsequently opened another facility to accommodate its independent study program. In FY 2015–16, CAH’s costs included bond payments; costs for the new facility; and former leases during the transition to the new facilities. By considering the former lease costs, the charter school’s instruction and instruction-related services spending ratio would be 83.58 percent. The CDE finds that the information submitted supports a consideration for mitigating circumstances in that the exceptional expenses limited the charter
school’s spending ability to meet the full-funding thresholds, and recommends a funding determination of 100 percent for two years (2017–18 through 2018–19) instead of the five years requested by the charter school, as provided in Attachment 1.

Escondido Charter High – #0109

Escondido Charter High (ECH) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2015–16 data. Therefore, ECH submitted a request to consider mitigating circumstances. A summary of the request from ECH is provided below and in Attachment 17 of Agenda Item 02 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice060717.asp.

ECH is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. ECH reported expenditures of 51.81 percent on certificated staff costs; however, it reported expenditures of 65.60 percent on instruction and instruction-related services costs, which qualifies the charter school for an 85 percent determination of funding.

ECH’s mitigating circumstances request includes the consideration of its combined academic programs, success in measurable outcomes, new facility expenses, and reserves set-aside. ECH purchased a building to serve the charter school’s growing nonclassroom-based program. ECH refinanced its private bonds at a lower interest rate which lowered the charter school’s facilities payments and allowed for the purchase of the new facility. To maintain good standing with the private bond lenders, ECH had to maintain a minimum level of unrestricted cash reserves. The private bond funding did not close until close to the end of the FY, which did not provide sufficient time for the charter school to expend the reserved funds. By considering some of the reserves set-aside for purposes of acquiring the bond funding, the charter school’s instruction and instruction-related services spending ratio would exceed 80 percent. The CDE finds that the information submitted supports a consideration for mitigating circumstances in that the exceptional refinancing circumstance limited the charter school’s spending ability to meet the full-funding thresholds, and recommends a funding determination of 100 percent for two years (2017–18 through 2018–19) instead of the five years requested by the charter school, as provided in Attachment 1.

National University Academy – #0991

National University Academy (NUA) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2015–16 data. Therefore, NUA submitted a request to consider mitigating circumstances. A summary of the request from NUA is provided below and in Attachment 19 of Agenda Item 02 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice060717.asp.

NUA is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. NUA reported
expenditures of 41.71 percent on certificated staff costs; however, it reported expenditures of 64.77 percent on instruction and instruction-related services costs, which qualifies the charter school for a 70 percent determination of funding.

NUA’s mitigating circumstances request includes the consideration of including the charter school’s reserves. NUA cites that the plan was to aid or loan funds to two new NUA charter schools. However, the two new schools ultimately closed and the funds were instead saved to build NUA’s reserves. The CDE finds that the charter school’s reserves could have been used to support instruction in FY 2015–16, rather than being held for future expenses. Further, the charter school states that it understands that it does not need to meet the funding determination requirements year over year, but it is a best practice to do so to spend adequate amounts on its students and staff. The CDE finds that the charter school’s mitigating circumstance request is insufficient to support why maintaining the reserves was an exceptional or unique circumstance. Further, the charter school appears to not have a clear understanding of the nonclassroom-based funding requirements, which require a charter school to meet minimum expenditure thresholds on an annual basis as a condition of apportionment, not as a best practice. The CDE recommends that the SBE deny NUA’s mitigating circumstances request, and recommends a funding determination of 70 percent for two years (2017–18 through 2018–19) instead of the five years requested by the charter school, as provided in Attachment 1.

**Ingenuity Charter – #1719**

Ingenuity Charter does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2015–16 data. Therefore, Ingenuity Charter submitted a request to consider mitigating circumstances. A summary of the request from Ingenuity Charter is provided below and in Attachment 21 of Agenda Item 02 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at [http://www.cde.ca.gov/be/cc/cs/accsnotice060717.asp](http://www.cde.ca.gov/be/cc/cs/accsnotice060717.asp).

Ingenuity Charter is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. Ingenuity Charter reported expenditures of 51.67 percent on certificated staff costs; however, it reported expenditures of 64.83 percent on instruction and instruction-related services costs, which qualifies the charter school for a 70 percent determination of funding.

Ingenuity Charter’s mitigating circumstances request cites reserves, and the late receipt of federal Public Charter Schools Grant Program (PCSGP) funds. Ingenuity Charter received PCSGP payments late in FYs 2014–15 and 2015–16, which affected its ability to expend funds in those years. By omitting $195,094 of the late payments, the charter school’s instruction and instruction-related services spending ratio would be 86.16 percent. The CDE finds that the information submitted supports a consideration for mitigating circumstances in that the timing of the receipt of grant payments limited the charter school’s spending ability to meet the full-funding thresholds, and recommends a funding determination of 100 percent for two years (2017–18 through 2018–19) instead of the five years requested by the charter school, as provided in Attachment 1.
Olive Grove Charter – #1768

Olive Grove Charter (OGC) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2015–16 data. Therefore, OGC submitted a request to consider mitigating circumstances. A summary of the request from OGC is provided below and in Attachment 23 of Agenda Item 02 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice060717.asp.

OGC is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. OGC reported expenditures of 51.97 percent on certificated staff costs; however, it reported expenditures of 74.74 percent on instruction and instruction-related services costs, which qualifies the charter school for an 85 percent determination of funding.

OGC’s mitigating circumstances request is to include a debt service expense due to securing private short-term loans needed to cover its cash flow shortfalls. Anticipated revenues were delayed as a result of fluctuating enrollment in its first year of operation. For this reason, the charter school is requesting that the debt service expenditures be included in the instruction and instruction-related services calculation. By allowing the $99,571 in debt service fees, the charter school’s instruction and instruction-related services spending ratio would be 80.23 percent. The CDE finds that the information submitted supports a consideration for mitigating circumstances in that the exceptional expenses limited the charter school’s spending ability to meet the full-funding thresholds, and recommends a funding determination of 100 percent for two years (2017–18 through 2018–19) instead of the five years requested by the charter school, as provided in Attachment 1.

Tehama eLearning Academy – #0430

Tehama eLearning Academy (TLA) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2015–16 data. Therefore, TLA submitted a request to consider mitigating circumstances. A summary of the request from TLA is provided below and in Attachment 25 of Agenda Item 02 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice060717.asp.

TLA is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. TLA reported expenditures of 41.18 percent on certificated staff costs; however, it reported expenditures of 74.64 percent on instruction and instruction-related services costs, which qualifies the charter school for an 85 percent determination of funding.

TLA’s mitigating circumstances request includes the consideration of excluding unspent funds received in 2015–16, for the following programs: Adult Education Block Grant, One-time Funds for Outstanding Mandate Claims, and Educator Effectiveness. Due to the uncertainty of the allocation amounts and when the funds would be received, TLA did not build the funds in the TLA FY 2015–16 budget. Further, the Adult Education
Block Grant funds were received in June 2016 and are restricted. By omitting the $87,077 in combined funds received for the three programs, the charter school’s instruction and instruction-related services spending ratio would be 81.25 percent. The CDE finds that since some of the funds were received mid-year or at year-end, and some are restricted, it limited the charter school’s ability to meet the full funding threshold. The CDE recommends a funding determination of 100 percent for two years (2017–18 through 2018–19) 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 25 of Agenda Item 02 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice060717.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 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)
<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>01-61176-0130534</td>
<td>Fremont Unified / Alameda</td>
<td>Circle of Independent Learning (0152)</td>
<td>1998–99</td>
<td>56.38%</td>
<td>74.69%</td>
<td>19.97:1</td>
<td>100% for 4 Years (2017–18 through 2020–21)</td>
<td>85%</td>
<td>100% for 2 Years (2017–18 through 2018–19)</td>
<td>Yes</td>
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<tr>
<td>10-62166-0114355</td>
<td>Fresno Unified / Fresno</td>
<td>Sierra Charter (0898)</td>
<td>2007–08</td>
<td>61.40%</td>
<td>78.12%</td>
<td>21.5:1</td>
<td>100% for 5 Years (2017–18 through 2021–22)</td>
<td>85%</td>
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<tr>
<td>32-66969-3230083</td>
<td>Plumas Unified / Plumas</td>
<td>Plumas Charter (0146)</td>
<td>1998–99</td>
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<td>78.67%</td>
<td>19.89:1</td>
<td>100% for 5 Years (2017–18 through 2021–22)</td>
<td>Denial</td>
<td>100% for 2 Years (2017–18 through 2018–19)</td>
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<td>34-76505-0108837</td>
<td>Twin Rivers Unified / Sacramento</td>
<td>Community Collaborative Charter (0699)</td>
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<td>42.79%</td>
<td>78.49%</td>
<td>14.36:1</td>
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<td>100% for 2 Years (2017–18 through 2018–19)</td>
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<td>37-68098-0101535</td>
<td>Escondido Union / San Diego</td>
<td>Heritage K-8 Charter (0556)</td>
<td>2003–04</td>
<td>38.54%</td>
<td>78.67%</td>
<td>19.89:1</td>
<td>100% for 5 Years (2017–18 through 2021–22)</td>
<td>Denial</td>
<td>100% for 2 Years (2017–18 through 2018–19)</td>
<td>Yes</td>
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<td>37-68106-0111195</td>
<td>Escondido Union High / San Diego</td>
<td>Classical Academy High (0759)</td>
<td>2006–07</td>
<td>40.65%</td>
<td>77.12%</td>
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<td>100% for 5 Years (2017–18 through 2021–22)</td>
<td>85%</td>
<td>100% for 2 Years (2017–18 through 2018–19)</td>
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<td>37-68106-3731023</td>
<td>Escondido Union High / San Diego</td>
<td>Escondido Charter High (0109)</td>
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<td>65.60%</td>
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<td>85%</td>
<td>100% for 2 Years (2017–18 through 2018–19)</td>
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<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>
<td>Funding Determination Without Mitigating Circumstances (5 CCR Section 11963.4)</td>
<td>CDE Recommendation Funding Determination and Years</td>
<td>CDE Recommendation Mitigating Circumstances Provided</td>
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<tr>
<td>37-68189-0118323</td>
<td>Lakeside Union Elementary / San Diego</td>
<td>National University Academy (0991)</td>
<td>2008–09</td>
<td>41.71%</td>
<td>64.77%</td>
<td>25:1</td>
<td>100% for 5 Years (2017–18 through 2021–22)</td>
<td>70%</td>
<td>*70% for 2 Years (2017–18 through 2018–19)</td>
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<td>37-68338-0131979</td>
<td>San Diego Unified / San Diego</td>
<td>Ingenuity Charter (1719)</td>
<td>2015–16</td>
<td>51.67%</td>
<td>64.83%</td>
<td>25:1</td>
<td>100% for 5 Years (2017–18 through 2021–22)</td>
<td>70%</td>
<td>100% for 2 Years (2017–18 through 2018–19)</td>
<td>Yes</td>
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<tr>
<td>42-76950-0132894</td>
<td>SBE – Olive Grove Charter / Santa Barbara</td>
<td>Olive Grove Charter (1768)</td>
<td>2015–16</td>
<td>51.97%</td>
<td>74.74%</td>
<td>21:1</td>
<td>100% for 5 Years (2017–18 through 2021–22)</td>
<td>85%</td>
<td>100% for 2 Years (2017–18 through 2018–19)</td>
<td>Yes</td>
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<tr>
<td>52-10520-6119671</td>
<td>Tehama County Department of Education / Tehama</td>
<td>Tehama eLearning Academy (0430)</td>
<td>2002–03</td>
<td>41.18%</td>
<td>74.64%</td>
<td>22.3:1</td>
<td>100% for 5 Years (2017–18 through 2021–22)</td>
<td>85%</td>
<td>100% for 2 Years (2017–18 through 2018–19)</td>
<td>Yes</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.

*California Code of Regulations, Title 5 Section 11963.4(a) specifies criteria to qualify for a funding determination of 100 percent, 85 percent, 70 percent, or denial. For a nonclassroom-based charter school that spends 40 percent or more of the school’s public revenues on salaries and benefits for all employees who possess a valid teaching certificate, and spends at least 60 percent but less than 70 percent of all revenues on instruction and instruction-related services, the Advisory Commission on Charter Schools shall recommend to the State Board of Education approval of the request at 70 percent, unless there is a reasonable basis to recommend otherwise.
ITEM 16
SUBJECT

Reconsideration of Requests for Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California Education Code Sections 47612.5 and 47634.2, California Code of Regulations Section 11963.6(g), and Associated California Code of Regulations, Title 5.

SUMMARY OF THE ISSUE

California Education Code (EC) sections 47612.5 and 47634.2 specify that a charter school may receive apportionment funding for nonclassroom-based instruction only if a determination of funding is made by the State Board of Education (SBE). Additionally, if during an approved determination period a charter school wishes to seek a higher or lower determination of funding, it shall do so by the filing of a new determination of funding request for consideration by the SBE pursuant to California Code of Regulations, Title 5 (5 CCR) Section 11963.6(g).

The charter schools listed in Attachment 1 are requesting reconsideration of their previously approved denial of their determination of funding request. Each charter school is requesting a reconsideration to increase its funding determination to 100 percent, which would replace the determination of funding currently in effect.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve a 100 percent funding determination for three charter schools, and an 85 percent funding determination for two charter schools, replacing the denial of the funding determination, which is currently in effect for fiscal years (FYs) 2016–17 through 2017–18, as provided in Attachment 1.

Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools (ACCS) met on June 7, 2017, and voted unanimously to approve the CDE recommendation that the SBE approve the determinations of funding and the periods specified for the nonclassroom-based charter schools as provided in Attachment 1.
BRIEF HISTORY OF KEY ISSUES

Each nonclassroom-based charter school identified on Attachment 1 submitted a request for reconsideration of its current determination of funding which was denied by the SBE. The request includes increasing the existing funding determination to 100 percent.

Background

The Academy of Arts and Sciences (AAS) was formed as a nonprofit public benefit corporation on October 28, 2011. In FY 2015–16, AAS operated 15 public charter schools in six counties.

Effective June 30, 2015, three AAS charter schools discontinued operations due to voluntary closures: Valley Prep K–5 (Charter Number #1670); Valley Prep 6–8 (#1671); and Valley Prep 9–12 (#1672).

Effective July 1, 2015, operations for two AAS charter schools were transferred from AAS to a separate nonprofit organization: Delta Keys Charter (#1645) and Delta Home Charter (#1646).

Effective June 30, 2016, 5 of the remaining 10 AAS charter schools discontinued operations: AAS: Del Mar Elementary (K–5) (#1452); AAS: El Cajon Elementary (#1451); AAS: El Cajon Middle and High (6–12) (#1453); AAS: Los Angeles (K–8) (#1652); and AAS: Oxnard & Ventura (#1456), with the intent to merge operations into the remaining five charter schools.

At its July 2016 meeting, the SBE denied the funding determination request for a 100 percent determination of funding with the consideration of the charter school’s mitigating circumstances for FYs 2016–17 through 2017–18. The funding determination was based on revenues and expenditures for FY 2014–15 as submitted by each charter school. Pursuant to 5 CCR Section 11963.4(a)(4), denial of a determination of funding request by the SBE shall result in no funding being apportioned for average daily attendance identified by the charter school as being generated through nonclassroom-based instruction pursuant to EC Section 47634.2(c).

For FY 2014–15, each charter school reported expenditures on certificated staff costs below the minimum of 35 percent, and expenditures on instruction and instruction-related services costs below the minimum of 60 percent, which makes the charter school ineligible for a determination of funding. As identified in Table 1, each charter school failed to meet the regulatory requirement for a determination of funding by underspending on instruction, while ending FY 2014–15 with a positive fund balance. The mitigating circumstances requests cited spending conservatively due to the uncertainty of enrollment and to build reserves for future years. Based on the charter school’s reported expenditures 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).
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</thead>
<tbody>
<tr>
<td>1454</td>
<td>AAS: Del Mar Middle and High (6–12)</td>
<td>27.68%</td>
<td>52.11%</td>
<td>$553,000</td>
<td>$974,588</td>
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<tr>
<td>1455</td>
<td>AAS: Thousand Oaks &amp; Simi Valley</td>
<td>29.89%</td>
<td>54.70%</td>
<td>$999,000</td>
<td>$2,019,643</td>
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<tr>
<td>1457</td>
<td>AAS: Sonoma</td>
<td>29.19%</td>
<td>56.01%</td>
<td>$319,000</td>
<td>$663,967</td>
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<tr>
<td>1631</td>
<td>AAS: Fresno</td>
<td>25.44%</td>
<td>52.86%</td>
<td>$403,000</td>
<td>$602,213</td>
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<td>1651</td>
<td>AAS: Los Angeles (9–12)</td>
<td>24.89%</td>
<td>44.61%</td>
<td>$808,000</td>
<td>$1,088,511</td>
</tr>
</tbody>
</table>

^A 5 CCR Section 11963.4(a) specifies criteria to qualify for a funding determination 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.

Pursuant to 5 CCR Section 11963.6(g), if during the effective period of a determination of funding, a charter school wishes to seek a higher or lower determination of funding, it shall do so by the filing of a new determination of funding request. During the effective period of a charter school’s determination of funding, no more than one additional determination of funding request (which would replace the determination of funding then in effect) may be submitted by the charter school in the same fiscal year. Each charter school provided FY 2015–16 data as part of its reconsideration request for FYs 2016–17 through 2017–18. As identified in Table 2, each charter school reported expenditures of 40 percent or more on certificated staff costs and expenditures of 80 percent or more on instruction and instruction-related services costs.

AAS: Fresno, AAS: Los Angeles (9–12), and AAS: Sonoma, reported a pupil-teacher ratio (PTR) of 25:1 or less, which qualifies the charter school for a 100 percent determination of funding. The annual audit report for the period ending June 30, 2016, included an audit finding that reported a PTR of 27:1 for AAS: Del Mar Middle and High (6–12), and 31:1 for AAS: Thousand Oaks & Simi Valley. Consequently, these two charter schools do not qualify for a 100 percent determination of funding.

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</tr>
</thead>
<tbody>
<tr>
<td>1454</td>
<td>AAS: Del Mar Middle and High (6–12)</td>
<td>48.57%</td>
<td>88.86%</td>
<td>29:1</td>
<td>$377,224</td>
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<tr>
<td>1455</td>
<td>AAS: Thousand Oaks &amp; Simi Valley</td>
<td>44.42%</td>
<td>84.67%</td>
<td>31:1</td>
<td>$1,533,613</td>
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<tr>
<td>1457</td>
<td>AAS: Sonoma</td>
<td>42.86%</td>
<td>87.57%</td>
<td>25:1</td>
<td>$136,582</td>
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<td>1631</td>
<td>AAS: Fresno</td>
<td>43.16%</td>
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<tr>
<td>1651</td>
<td>AAS: Los Angeles (9–12)</td>
<td>45.89%</td>
<td>112.31%</td>
<td>25:1</td>
<td>$753,361</td>
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</table>
Section 11963.4(a) specifies criteria to qualify for a funding determination of 100 percent, 85 percent, 70 percent, or denial. To qualify for a proposed recommendation of 100 percent funding, a nonclassroom-based charter school must meet the following criteria: at least 40 percent or more 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 or more of all revenues are to be spent on instruction and instruction-related services; and 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.

Based on the information provided by the charter schools, which include revenues and expenditures for FY 2015–16, and pursuant to 5 CCR Section 11963.4(a), the CDE finds that AAS: Fresno, AAS: Los Angeles (9–12), and AAS: Sonoma meet the criteria for a proposed recommendation of a 100 percent determination of funding; and AAS: Del Mar Middle and High (6–12), and AAS: Thousand Oaks & Simi Valley meet the criteria for a proposed recommendation of an 85 percent determination of funding, which would replace the determination of funding currently in effect for FYs 2016–17 through 2017–18.

The reconsideration funding determination requests are provided in Attachments 2 through 6 of Agenda Item 03 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice060717.asp.

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

At its July 2016 meeting, the SBE approved the CDE’s recommendation to deny the mitigating circumstances request and approve a denial of the request for a funding determination for AAS: Fresno (#1631), AAS: Los Angeles (9–12) (#1651), AAS: Del Mar Middle and High (6–12) (#1454), AAS: Thousand Oaks & Simi Valley (#1455), and AAS: Sonoma (#1457), for the period of July 1, 2016, through June 30, 2017.

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction. The CDE notes that this request is a recurring action item for the SBE.

**FISCAL ANALYSIS (AS APPROPRIATE)**

If approved, the charter schools listed in Attachment 1 would receive apportionment funding under the Local Control Funding Formula model.

**ATTACHMENT**

Attachment 1: California Department of Education Determination of Funding Recommendation for Nonclassroom-based Charter Schools (1 Page)
## California Department of Education

### Determination of Funding Recommendation for Nonclassroom-based Charter Schools

<table>
<thead>
<tr>
<th>County-District-School 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 Previously Approved Request^ / Reconsideration Request^</th>
<th>Percent Spent on Instruction and Instruction-Related Services Previously Approved Request^ / Reconsideration Request^</th>
<th>Pupil-Teacher Ratio^</th>
<th>Current SBE Approved Funding Determination and Years*</th>
<th>Reconsideration of Funding Determination and Years Requested by Charter School</th>
<th>CDE Recommendation Funding Determination and Years</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% / 43.16%</td>
<td>52.86% / 84.69%</td>
<td>25:1</td>
<td>Denial for 2 Years (2016–17 through 2017–18)</td>
<td>100% for 5 Years (2015–16 through 2019–20)</td>
<td>100% for 2 Years (2016–17 through 2017–18)</td>
</tr>
<tr>
<td>19-75309-0135145</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% / 45.89%</td>
<td>44.61% / 112.31%</td>
<td>25:1</td>
<td>Denial for 2 Years (2016–17 through 2017–18)</td>
<td>100% for 5 Years (2015–16 through 2019–20)</td>
<td>100% for 2 Years (2016–17 through 2017–18)</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% / 42.86%</td>
<td>56.01% / 87.57%</td>
<td>25:1</td>
<td>Denial for 2 Years (2016–17 through 2017–18)</td>
<td>100% for 5 Years (2015–16 through 2019–20)</td>
<td>100% for 2 Years (2016–17 through 2017–18)</td>
</tr>
<tr>
<td>56-72504-0127043</td>
<td>Mupu Elementary / Ventura</td>
<td>Academy of Arts and Sciences: Thousand Oaks &amp; Simi Valley (1455)</td>
<td>2012–13</td>
<td>29.89% / 44.42%</td>
<td>54.70% / 84.67%</td>
<td>31:1</td>
<td>Denial for 2 Years (2016–17 through 2017–18)</td>
<td>100% for 5 Years (2015–16 through 2019–20)</td>
<td>85% for 2 Years (2016–17 through 2017–18)</td>
</tr>
</tbody>
</table>

^Spending percentages and pupil-teacher ratio correspond to the charter school’s funding determination request as originally submitted to the California Department of Education.

*Approved at the July 2016 State Board of Education meeting.
ITEM 17
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 1,872 charter schools, including some approved by the SBE after denial by local educational agencies. Separate from that numbering system, seven all-charter districts have been jointly approved by the State Superintendent of Public Instruction and the SBE.

California Education Code 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 2017–18 is 2,150. 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. A copy of the charter petition is 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)
<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>
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<tbody>
<tr>
<td>1873</td>
<td>7/1/2017–6/30/2022</td>
<td>Temecula International Academy</td>
<td>Riverside</td>
<td>Riverside County Office of Education</td>
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<td>1874</td>
<td>7/1/2017–6/30/2020</td>
<td>Animo Charter High School 12</td>
<td>Los Angeles</td>
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<td>1875</td>
<td>7/1/2017–6/30/2022</td>
<td>Uplift California South Charter School</td>
<td>Monterey</td>
<td>Bradley Union Elementary School District</td>
<td>Nonclassroom-Based</td>
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<tr>
<td>1876</td>
<td>7/1/2017–6/30/2022</td>
<td>Uplift California North Charter School</td>
<td>Monterey</td>
<td>Bradley Union Elementary School District</td>
<td>Nonclassroom-Based</td>
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<tr>
<td>1877</td>
<td>7/1/2017–6/30/2022</td>
<td>Lemoore Online College Preparatory High School</td>
<td>Kings</td>
<td>Lemoore Union High School District</td>
<td>Nonclassroom-Based</td>
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<tr>
<td>1878</td>
<td>7/1/2017–6/30/2022</td>
<td>Delta Keys Charter School No. 2</td>
<td>San Joaquin</td>
<td>New Jerusalem Elementary School District</td>
<td>Nonclassroom-Based</td>
</tr>
<tr>
<td>1879</td>
<td>7/1/2017–6/30/2022</td>
<td>Delta Charter Online No. 2</td>
<td>San Joaquin</td>
<td>New Jerusalem Elementary School District</td>
<td>Nonclassroom-Based</td>
</tr>
<tr>
<td>Number</td>
<td>Term</td>
<td>Charter Name</td>
<td>County</td>
<td>Authorizing Entity</td>
<td>Classroom-Based/Nonclassroom-Based</td>
</tr>
<tr>
<td>--------</td>
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<tr>
<td>1881</td>
<td>7/1/2017–6/30/2022</td>
<td>Connecting Waters Charter School, East Bay</td>
<td>Alameda</td>
<td>Alameda County Office of Education</td>
<td>Nonclassroom-Based</td>
</tr>
<tr>
<td>1882</td>
<td>7/1/2017–6/30/2022</td>
<td>Delta STEAM Charter School</td>
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<td>New Jerusalem Elementary School District</td>
<td>Classroom-Based</td>
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<td>1883</td>
<td>7/1/2017–6/30/2022</td>
<td>Scholarship Prep Charter School – Oceanside</td>
<td>San Diego</td>
<td>San Diego County Office of Education</td>
<td>Classroom-Based</td>
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<tr>
<td>1884</td>
<td>7/1/2017–6/30/2022</td>
<td>Pacific View Charter School 2.0</td>
<td>Humboldt</td>
<td>Eureka City Schools School District</td>
<td>Classroom-Based/Nonclassroom-Based</td>
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<td>1886</td>
<td>7/1/2017–6/30/2022</td>
<td>Community Collaborative Virtual School – Keppel Partnership Academy</td>
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<td>Keppel Union Elementary School District</td>
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<td>1887</td>
<td>7/1/2017–6/30/2022</td>
<td>Golden Gate Community School Charter</td>
<td>Contra Costa</td>
<td>Contra Costa County Office of Education</td>
<td>Classroom-Based/Nonclassroom-Based</td>
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<tr>
<td>1888</td>
<td>7/1/2017–6/30/2022</td>
<td>ACOE Opportunity Charter School</td>
<td>Alameda</td>
<td>Alameda County Office of Education</td>
<td>Nonclassroom-Based</td>
</tr>
<tr>
<td>Number</td>
<td>Term</td>
<td>Charter Name</td>
<td>County</td>
<td>Authorizing Entity</td>
<td>Classroom-Based/Nonclassroom-Based</td>
</tr>
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<td>---------------------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>1889</td>
<td>7/1/2017–6/30/2022</td>
<td>Grossmont Secondary School</td>
<td>San Diego</td>
<td>California State Board of Education</td>
<td>Nonclassroom-Based</td>
</tr>
<tr>
<td>1890</td>
<td>7/1/2017–6/30/2022</td>
<td>Team Charter Academy</td>
<td>San Joaquin</td>
<td>Stockton Unified School District</td>
<td>Classroom-Based</td>
</tr>
</tbody>
</table>
SUBJECT

Proposed Formation of a New Unified School District from the Huron Portion of the Coalinga-Huron Unified School District in Fresno County

SUMMARY OF THE ISSUE(S)

A petition to form a new unified school district from the Huron portion of the Coalinga-Huron Unified School District (USD) in Fresno County was submitted to the Fresno County Superintendent of Schools (County Superintendent). The Fresno County Committee on School District Organization (County Committee) held public hearings and, following a determination that the petition failed to substantially meet all minimum threshold requirements in California Education Code (EC) Section 35753, unanimously recommended that the California State Board of Education (SBE) disapprove the petition.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE disapprove the petition to form a new unified school district from the Huron portion of the Coalinga-Huron USD.

BRIEF HISTORY OF KEY ISSUES

The action to form the new school district was initiated pursuant to EC Section 35700(a), which requires that a petition be signed by at least 25 percent of the registered voters residing in the territory proposed to be included in the new district. The County Superintendent analyzed effects of the proposed unification on the nine required conditions for approval listed in EC Section 35753, and recommended to the Fresno County Committee that the petition failed to substantially meet the following four EC Section 35753 conditions:

- The reorganization of the districts will preserve each affected district’s ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation.
• The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the districts affected by the proposed reorganization.

• Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

• The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the proposed district or any existing district affected by the proposed reorganization.

The Fresno County Committee voted that each of the above four conditions was not substantially met by the petition to form the new school district and unanimously voted to recommend that the SBE disapprove the proposal. In addition to the Fresno County Committee action to recommend disapproval, the governing board of the Coalinga-Huron USD opposes the proposal.

The EC requires that the SBE consider each proposal to form a new school district when the proposal is not supported by all affected parties at the local level. The procedure for the SBE to consider this proposal to form a new school district is:

• Consider the CDE analyses and recommendations regarding the conditions stated in EC Section 35753.

• Conduct a public hearing on the proposal.

• Determine the proposal has merit or take action to disapprove it.

  o If the SBE determines the proposal has merit, inform local agencies and chief petitioners that they must comply, under SBE and CDE oversight, with the requirements of the California Environmental Quality Act (CEQA) before a final action to approve can be considered by the SBE.

  o If the SBE acts to disapprove the proposal, inform the Fresno County Superintendent and all affected parties of such disapproval.

The CDE recommends that the proposal fails to substantially meet the following three conditions of EC Section 35753:

• The reorganization of the districts will preserve each affected district’s ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation.

• Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.
• The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the proposed district or any existing district affected by the proposed reorganization.

The CDE also recommends that the SBE disapprove the petition to form a new unified school district from the Huron portion of the Coalinga-Huron USD. The analyses upon which the CDE bases these recommendations are contained in Attachments 1–5.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has not considered this specific issue previously.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no fiscal effects if the SBE disapproves the proposal to form the new unified school district. However, the following fiscal effects will occur if the SBE ultimately approves the proposal:

• Activities required by CEQA will be funded at the local level (at this time, there is no clear identification of a local funding source). Actual local costs associated with CEQA compliance also are unknown but, depending on environmental issues uncovered by the CEQA Initial Study, could range from $10,000 upwards to several hundred thousand dollars.

• SBE approval of the proposal triggers a local election to give final approval to a new unified school district. Actual election costs will be determined by the election type (e.g., general, special, by-mail) and the electorate designated by the SBE (e.g., only the Huron portion or the entire Coalinga-Huron USD). Depending on existing county-level agreements between the Fresno County Board of Supervisors and the Fresno County Board of Education, costs for the election will be borne by the Fresno County general fund or the Fresno County Office of Education.

If the new district is approved both by the SBE and at an election, a new Local Control Funding Formula (LCFF) entitlement will be calculated for the new Huron district and the remaining Coalinga-Huron USD. Based on 2015–16 data and assuming the new district was effective for that year, the CDE calculates that the 2015–16 LCFF entitlements would have been $13.92 million for the Huron district and $25.76 million for the remaining Coalinga-Huron USD—the combined total being slightly more than $140,000 over the 2015–16 LCFF entitlement received by the Coalinga-Huron USD. The actual LCFF entitlement recalculation would be based on data from one year prior to the effective year of the new district (assuming the new district is approved).
ATTACHMENT(S)

Attachment 1: Report of Required Conditions for Reorganization (28 pages)

Attachment 2: Racial/Ethnic Report on Formation of a New Unified School District from the Huron Community of the Coalinga-Huron Unified School District in Fresno County (14 pages)

Attachment 3: Educational Program Report on Formation of a New Unified School District from the Huron Community of the Coalinga-Huron Unified School District in Fresno County (13 pages)

Attachment 4: School Facilities Analysis for Proposed Huron Unified School District (7 pages)

Attachment 5: Fiscal Analysis of the Proposal to Transfer Territory from the Coalinga-Huron Unified School District to Form a New Huron Unified School District (5 pages)
REPORT OF REQUIRED CONDITIONS FOR REORGANIZATION

PROPOSED FORMATION OF A NEW UNIFIED SCHOOL DISTRICT
FROM THE HURON PORTION OF
THE COALINGA-HURON UNIFIED SCHOOL DISTRICT
IN FRESNO COUNTY

1.0 RECOMMENDATION

The California Department of Education (CDE) recommends the California State Board of Education (SBE) disapprove the petition to form a new unified school district from the Huron portion of the Coalinga-Huron Unified School District (USD).

2.0 BACKGROUND

2.1 Coalinga-Huron USD

The Coalinga-Huron USD was formed in 1964 through a unification involving the Coalinga Union High School District (SD) and the Coalinga-Huron Union Elementary SD. The Coalinga-Huron Union Elementary SD was formed through merger of the Coalinga Elementary SD and the Huron SD in 1948. The Coalinga-Huron USD is a "joint" school district under the jurisdiction of the Fresno County Superintendent of Schools (County Superintendent). It is considered a joint school district since small portions of the adjacent Monterey and San Benito counties also are within the district’s boundaries (California Education Code [EC] Section 87).

Based on 2015–16 California Longitudinal Pupil Achievement Data System (CALPADS) enrollment data, the Coalinga-Huron USD has 4,447 students in five elementary schools, two middle schools, one comprehensive high school, and three alternative education programs.

The district is in a rural area of Fresno County, with the economy primarily driven by agriculture, the oil industry, and correctional services. A map of the Coalinga-Huron USD, with the proposed boundary to divide the district into Coalinga and Huron portions, is presented on the following page as Figure 1.

2.2 Initiation of the Unification Proposal

A petition to form a new unified school district from the Huron area of the Coalinga-Huron USD was signed by at least 25 percent of the registered voters in the Huron community and submitted to the County Superintendent to determine its sufficiency pursuant to EC Section 35704. Following the determination of sufficiency, the County Superintendent transmitted the petition to the Fresno County Committee on School District Organization (County Committee), which conducted two public hearings on the proposal.
FIGURE 1: Proposed Split of Coalinga-Huron Unified School District

Source map: U. S. Census Bureau, 2010: https://www2.census.gov/geo/maps/dc10map/sch_dist/st06_ca/c06019_fresno/
3.0  REASONS FOR THE UNIFICATION

The petitioners cite the following reasons for a proposed Huron unified school district:

- The Huron community is very isolated and different from the Coalinga community.

- Approximately 300 high school students from the Huron area must spend up to two hours a day on buses to attend the Coalinga High School.

- Students in a Huron high school will reflect the demographics of the Huron community. Elementary and middle school students from the Huron community already attend local schools in the Huron community.

- The governing board of the Coalinga-Huron USD is elected from two trustee areas—a Coalinga trustee area and a Huron trustee area. There are three board members from the Coalinga area and two from the Huron area, so governing board decisions often favor the Coalinga community.

- A 2010 general obligation bond was approved by district voters. However, there was little support for the bond measure in the Huron community. There have been limited expenditures on Huron facilities from these bond funds.

- A Huron unified school district will provide a high school for the Huron community and greater local control over the educational program for Huron community students.

4.0  POSITION OF COALINGA-HURON USD

The Coalinga-Huron USD opposes the formation of a new Huron school district. The governing board of the district approved a resolution determining that the proposed new district would significantly harm the Coalinga-Huron USD and all of its students (the resolution was approved 3 to 2, with the three members from the Coalinga trustee area voting in support and the two members from the Huron trustee area voting in opposition). The board commissioned a study of the effects of the proposed new district, with the following finding:

- While Coalinga and Huron are separate cities, the two communities are historically and substantially linked.

- The new Huron district would be substantially more segregated and would deprive Huron-area students of the social and educational benefits of a more integrated educational experience.
• A new Huron high school would result in two smaller high schools serving the same students who are currently enrolled at Coalinga High School. Because of smaller numbers of students in two high schools, the respective education programs would be severely disrupted (due to an inability to offer comparable academic curricula); and there would be fewer Advanced Placement (AP) courses, fewer extracurricular activities, and diminished sports opportunities for both the Coalinga and Huron high schools.

• A new high school would need to be built in the Huron community, which would result in a significant increase in facilities costs.

• Splitting the Coalinga-Huron USD into two separate districts would result in unsound fiscal management and increased inefficiencies in both districts.

• The proposal would remove a disproportionate portion of assessed valuation, harming the remaining Coalinga district’s tax base and future bonding capacity.

5.0 EC SECTION 35753 CONDITIONS

The SBE may approve a proposal for the reorganization of districts if it has determined that the proposal substantially meets the nine threshold conditions in EC Section 35753. These conditions are further clarified by California Code of Regulations, Title 5 (5 CCR), Section 18573.

The SBE also may approve proposals if it finds that all EC Section 35753 conditions are not substantially met, but subsequently “determines that it is not practical or possible to apply the criteria of this section literally, and that the circumstances with respect to the proposals provide an exceptional situation sufficient to justify approval…” (EC Section 35753[b]).

For its analysis of the proposal, the CDE conducted its own studies of the issues that the County Committee determined did not meet the EC Section 35753 conditions; and reviewed information provided by the County Superintendent, the Coalinga-Huron USD, and the chief petitioners. Staff findings and conclusions regarding the EC Section 35753 and 5 CCR requirements follow:

5.1 The reorganized districts will be adequate in terms of number of pupils enrolled.

Standard of Review

It is the intent of the SBE that direct service districts not be created that will become more dependent upon county offices of education and state support unless unusual circumstances exist. Therefore, each district affected must be adequate in terms of numbers of pupils, in that each such district should have the
following projected enrollment on the date any new district becomes effective for all purposes: elementary district, 901; high school district, 301; unified district, 1,501 (5 CCR Section 18573[a][1][A]).

**County Committee Review and Evaluation**

In the staff report prepared for the County Committee, the County Superintendent recommended that the petition met this requirement—enrollment in both a new Huron unified district and the remaining Coalinga unified district would be greater than the threshold of 1,501. However, the report also stated that ongoing drought conditions in the Central Valley may result in a “material reduction” in enrollment in subsequent years, noting that enrollment in the Coalinga-Huron USD decreased over the five-year enrollment trend prior to 2013–14.

Both the Coalinga-Huron USD and chief petitioners agree that projected enrollments would meet the minimum threshold.

The County Committee voted unanimously (9-0) that this condition is substantially met.

**CDE Findings/Conclusion**

As stated previously, a new unified district is adequate in terms of number of pupils if projected enrollment is 1,501 or greater on the date the new district becomes effective for all purposes. Based on 2015–16 CALPADS enrollment data, the CDE calculates that enrollment in a Huron district would have been over 1,700 in 2015–16, while enrollment in the remaining Coalinga portion would have been over 2,700.

Moreover, the CDE notes that enrollment in the Coalinga-Huron USD has increased slightly more than four percent over the previous five-year period. See the table below for this five-year historical enrollment trend.

**Historical Enrollments**

<table>
<thead>
<tr>
<th>Year</th>
<th>Coalinga-Huron USD Enrollment</th>
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<tbody>
<tr>
<td>2011-12</td>
<td>4,270</td>
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<tr>
<td>2012-13</td>
<td>4,322</td>
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<tr>
<td>2013-14</td>
<td>4,355</td>
</tr>
<tr>
<td>2014-15</td>
<td>4,367</td>
</tr>
<tr>
<td>2015-16</td>
<td>4,447</td>
</tr>
</tbody>
</table>

*Source data: CALPADS*

The CDE concludes that this condition is substantially met.
5.2 **The districts are each organized on the basis of a substantial community identity.**

**Standard of Review**

The following criteria from 5 CCR Section 18573(a)(2) should be considered to determine whether a new district is organized on the basis of substantial community identity: isolation; geography; distance between social centers; distance between school centers; topography; weather; community, school and social ties; and other circumstances peculiar to the area.

**County Committee Review and Evaluation**

The County Superintendent recommends that this “community identity” condition is substantially met, noting that: (1) Coalinga and Huron are two distinct communities approximately 20 miles apart, and (2) the Coalinga-Huron USD contention that the two communities perceive each other as interrelated was not borne out by comments from Huron community members at public hearings.

Chief petitioners note that Coalinga and Huron are more than 20 miles apart. Huron has its own city government and police force, churches, city library, retail establishments, restaurants, and recreational programs. Petitioners also note that the residential homes in Coalinga are significantly more upscale than those in Huron.

The Coalinga-Huron USD states that, although Coalinga and Huron are separate cities, this condition is not substantially met because there is greater perception of shared community identity between the two cities compared to the perception of separate identities. The district further notes that the Coalinga and Huron communities, in addition to being served by the same regional medical center, are in common library, parks and recreation, cemetery, and community college districts.

The County Committee voted unanimously (9-0) that this condition is substantially met.

**CDE Findings/Conclusion**

The CDE finds that the reorganized districts (a new Huron district and the remaining Coalinga district) both would be organized on the basis of substantial community identity. Based on information from an online web mapping service, the city centers of Coalinga and Huron are 19.1 miles apart—an approximate 23 minute commute under normal traffic conditions. As

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1 Source: [https://www.mapquest.com/](https://www.mapquest.com/)
noted by the chief petitioners, the Coalinga and the Huron cities have separate city governments and police forces as well as their own religious, retail, and recreational options. Although the two communities are served by the same school district, kindergarten through eighth grade students are educated in schools within their own community. Huron community high school students make the approximate 20 mile commute to Coalinga High School each day. The establishment of a high school facility within the Huron community would allow these high school students to be educated within the community as the kindergarten through eighth grade students currently are.

The CDE also agrees with the Coalinga-Huron USD that regional services bind together both communities—additionally, the long history of the Coalinga and Huron communities served by the same educational system contributes to the community identity of the current Coalinga-Huron USD. The CDE’s determination that separate Coalinga and Huron districts each would be organized on the basis of substantial community identity does not exclude a finding of substantial community identity for the existing district.

The CDE concludes that this condition is substantially met.

5.3 The proposal will result in an equitable division of property and facilities of the original district or districts.

Standard of Review

To determine whether an equitable division of property and facilities will occur, the CDE reviews the proposal for compliance with EC sections 35560 and 35564 and determines which of the criteria authorized in EC Section 35736 shall be applied. The CDE also ascertains that the affected districts and county office of education are prepared to appoint the committee described in EC Section 35565 to settle disputes arising from such division of property (5 CCR Section 18573[a][3]).

County Committee Review and Evaluation

The County Superintendent addressed the following issues in the analysis of division of facilities, property, funds, and obligations:

(a) Real Property

The County Superintendent notes that EC Section 35560(a)(1) directs that real property (and personal property and fixtures situated thereat) would become the property of the district in which the real property is located.
(b) Property, Funds, and Obligations

The County Superintendent references EC Section 35560(a)(2) when stating that all other property, funds, and obligations (other than bonded indebtedness) would be divided pro rata between the districts based on the assessed valuation (AV) of property within each district. Thus, the equity of this division would be based upon the equity of the proposed boundaries of the districts.

(c) Bonded Indebtedness

If a Huron unified district is formed, the outstanding bonded indebtedness of the Coalinga-Huron USD would be divided between that district and the remaining portion of the Coalinga district pursuant to provisions in the Education Code. EC Section 35576 provides that the Huron district would be liable for the greater of the following:

- A pro rata share of outstanding bonded indebtedness based upon the ratio of the Huron district’s AV to the AV of the Coalinga-Huron USD; or

- The portion of outstanding bonded indebtedness incurred for acquisition or improvement of real property within the boundaries of the new Huron district.

Chief petitioners believe that the new district should be liable for the portion of bonded indebtedness used to acquire or improve facilities within the proposed boundaries of the Huron district; and further believe that the new district will be able to access a share of approved but unissued bond funds for the purpose of building a new high school in the Huron area.

The Coalinga-Huron USD disagrees that a new Huron district would be able to use unexpended bond funds for the purpose of building a new high school since a new high school was not on the bond project list approved by the voters.

The County Superintendent made no recommendation regarding the manner in which bonded indebtedness should be divided. However, he did question the ability of a new Huron district to access approved but unissued bond funds of the Coalinga-Huron USD for purposes of building a new high school.

The County Superintendent recommended that the proposal substantially meets this condition.
The County Committee voted (8-1) that the proposed new district would result in an equitable division of property and facilities of the Coalinga-Huron USD. However, the County Committee made no recommendations regarding any method of division of the property, funds, and obligations of the Coalinga-Huron USD—nor did it identify a need for a more equitable division of bonded indebtedness (pursuant to EC Section 35738) to replace the requirements in EC Section 35576.

CDE Findings/Conclusion

The CDE finds that existing Education Code provisions may be utilized to achieve equitable distribution of relevant property, funds, and obligations of Coalinga-Huron USD\(^2\). The CDE recommends the following regarding the distribution of property, funds, and obligations (other than outstanding bonded indebtedness):

(a) All assets and liabilities of the Coalinga-Huron USD (other than capital funds) shall be divided based on the proportionate average daily attendance (ADA) of the students residing in the areas of the two districts on June 30 of the school year immediately preceding the date on which the proposed unification becomes effective for all purposes (EC Section 35736).

(b) All capital funds (except school facility impact mitigation fees [i.e., developer fees]) of the Coalinga-Huron USD shall be divided pro rata based on the ratio of the AV of each district to the AV of the current Coalinga-Huron USD (EC sections 35560, 35736).

(c) Developer fees shall go to the district in which the development that generated the fees is located.

(d) Student body property, funds, and obligations shall be divided proportionately, each share not to exceed an amount equal to the ratio of the number of pupils leaving the schools to the total number of pupils enrolled. Funds from bequests or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided (EC Section 35564).

(e) As specified in EC Section 35565, disputes arising from the division of property, funds, or obligations shall be resolved by the affected school districts and the county superintendent of schools through a board of arbitrators. The board shall consist of one person appointed by each district and one by the county superintendent of schools. By mutual accord, the county member may act as sole arbitrator. Expenses will be divided equally between the districts. The written findings and

\(^2\) Information regarding the division of facilities may be found in the “Analysis of Condition 3” component of the report in Attachment 4. This report finds that the condition is met regarding division of real property.
determination of the majority of the board of arbitrators is final, binding, and may not be appealed.

The *Education Code* guides the division of the outstanding bonded indebtedness of the Coalinga-Huron USD. *EC* Section 35576 provides general methods for this division, indicating that the Huron district would be liable for the greater of the following:

- A pro rata share of outstanding bonded indebtedness based upon the ratio of the Huron district’s AV to the AV of the Coalinga-Huron USD; or
- The portion of outstanding bonded indebtedness incurred for acquisition or improvement of real property within the boundaries of the proposed new Huron district.

*EC* sections 35738 and 35754 provide the SBE the authority to select its own method of dividing bonded indebtedness if it determines such a method is more equitable than the above general guidance of *EC* Section 35576.

As described in the petition to form a new Huron unified school district, boundaries of the proposed new district encompass 59 percent of the AV of the current Coalinga-Huron USD\(^3\). This percentage is disproportionate with the 39 percent of Coalinga-Huron USD enrollment that would be in the new district. Because of this disproportionate removal of AV, it is the opinion of the CDE that the new Huron district’s liability for outstanding bonded indebtedness be at least its pro rata share of Coalinga-Huron USD bonded indebtedness based on the ratio of the Huron district’s AV to the AV of the Coalinga-Huron USD. Thus, the CDE recommends that the previously stated general provisions of *EC* Section 35576 guide the division of outstanding bonded indebtedness.

The above recommendation is underscored by the CDE’s concern regarding the potential level of outstanding bonded indebtedness of the current Coalinga-Huron USD. Voters in the district approved a new $39 million bond measure at the November 2016 election. That amount added to the $30 million in existing debt exceeds the maximum statutory debt ratio for the Coalinga-Huron USD ($53.6 million)\(^4\). Removal of a disproportionate share of the AV from the district without a corresponding removal of bond debt could impede the remaining Coalinga portion of the district from accessing bond funds for future construction/modernization projects.

Chief petitioners also expect that the new Huron district will be able to access a portion of Coalinga-Huron USD’s authorized but unsold bonds to finance construction of new high school. However, the CDE is not aware of any

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\(^3\) See map of proposed boundary in Figure 1 (page 2 of this attachment).
\(^4\) See information presented in Attachment 4.
process that would permit a division of the authorized but unsold bonds of a
district that continues to exist. EC Section 35577 describes a process by which
such bonds of a district that ceases to exist are divided—however, in this case,
the Coalinga-Huron USD continues to exist (minus the Huron portion). Thus,
absent authorization in the Education Code, it appears that all approved but
unsold bonds of the Coalinga-Huron USD would remain with the Coalinga
portion of the Coalinga-Huron USD should a new Huron district be formed.

The CDE determines that this condition is substantially met if the SBE,
pursuant to EC Section 35754, includes the above listed provisions in the
plans and recommendations for the proposal to form a new Huron unified
school district.

5.4 The reorganization of the districts will preserve each affected district’s
ability to educate students in an integrated environment and will not
promote racial or ethnic discrimination or segregation.

Standard of Review

In 5 CCR Section 18573(a)(4), the SBE set forth five factors to be considered in
determining whether reorganization will promote racial or ethnic discrimination or
segregation:

(a) The current number and percentage of pupils in each racial and ethnic
group in the affected districts and schools in the affected districts,
compared with the number and percentage of pupils in each racial and
ethnic group in the affected districts and schools in the affected districts if
the proposal or petition were approved.

(b) The trends and rates of present and possible future growth or change in
the total population in the districts affected, in each racial and ethnic
group within the total district, and in each school of the affected districts.

(c) The school board policies regarding methods of preventing racial and
ethnic segregation in the affected districts and the effect of the proposal
or petition on any desegregation plan or program of the affected districts,
whether voluntary or court ordered, designed to prevent or alleviate racial
or ethnic discrimination or segregation.

(d) The effect of factors such as distance between schools and attendance
centers, terrain, geographic features that may involve safety hazards to
pupils, capacity of schools, and related conditions or circumstances that
may have an effect on the feasibility of integration of the affected schools.

(e) The effect of the proposal on the duty of the governing board of each of
the affected districts to take steps, insofar as reasonably feasible, to
alleviate segregation of minority pupils in schools regardless of its cause.
County Committee Evaluation/Vote

The County Superintendent recommendation is that the Huron unification proposal fails to substantially meet this condition. This recommendation is based on findings that a new Huron unified school district would be 93.9 percent Hispanic compared to the current composition of the Coalinga-Huron USD, which is 81.1 percent Hispanic. Furthermore, according to the County Superintendent, the white student population of the proposed Huron district would be less than 1.4 percent of the overall student population—12.1 percent below the current white student population in the Coalinga-Huron USD. Based on these percentages, the County Superintendent finds that the unification proposal diminishes the diversity of the student population, increases segregation, and would not provide an “integrated educational experience” in the proposed Huron district.

Petitioners argue that case law (e.g., Crawford v. Board of Education [1976] 17 Cal.3d 280) establishes that a “school’s racial and ethnic composition is determined by reference to the community it serves.” Thus, petitioners state that segregation only exists if the racial/ethnic composition of the student population is disproportionate to the racial/ethnic composition of the community from which it is drawn. According to the petitioners, the Huron unification proposal would not promote discrimination or segregation because the racial/ethnic composition of the new school district would be exactly proportional to the community served by the district.

The Coalinga-Huron USD argues that proposal would result in a new Huron school district that is substantially more segregated and would deprive Huron students of the “social and educational benefits of a more integrated environment.” The district states that this inability to provide an integrated educational experience would be due to the disproportionate percentage of Hispanic students in the new Huron school district compared to the current composition of the Coalinga-Huron USD. Coalinga-Huron USD is 81 percent Hispanic while the new Huron district would be over 93 percent Hispanic.

After reviewing the information provided, the County Committee unanimously voted that this condition is not substantially met.

CDE Findings/Conclusion

The complete CDE analysis of factors set forth in 5 CCR Section 18573(a)(4) is Attachment 2. The analysis is summarized below.

The student population of the Coalinga-Huron USD currently\(^5\) is 89.5 percent minority, consisting primarily of Hispanic students (at 85.6 percent). The

\(^5\) 2015–16 California Longitudinal Pupil Achievement Data System (CALPADS)
student population from the Huron area of the district (proposed to form a new Huron district) is 99.7 percent minority, while the remaining Coalinga portion of the district is 82.8 percent minority. Thus, the proposal would form a new district with a minority student population approximately 14 percentage points higher than the existing Coalinga-Huron USD, while the minority student population in the remaining Coalinga portion would be about three percentage points lower. The student population of a new Huron school district would almost completely consist of minority students.

At the school level, the effects of the reorganization on student population would only be seen at the high school level. Currently, the Coalinga-Huron USD elementary and middle schools that are located in the Huron area serve students from that area. Similarly, the elementary and middle schools located in the Coalinga area serve students from the Coalinga community. Thus, student populations in the elementary and middle schools would be unaffected by the reorganization.

However, there is only one comprehensive high school in the Coalinga-Huron USD, so high school students from both the Coalinga and Huron communities attend the same school—Coalinga High School. The student population at the Coalinga High School is 88.5 percent minority—as it is districtwide, minority students at the high school primarily are Hispanic (85.5 percent).

The reorganization proposal, if approved, would result in two high schools with Coalinga community students remaining at the Coalinga High School and Huron community students attending a new high school within the Huron community. Under this scenario, a Huron high school would be 99.8 percent minority, while the minority student population at Coalinga High School would be 81.9 percent of the total student population.

Based on the above data (especially the fact that a Huron high school would essentially be 100 percent minority), it is CDE’s opinion that the existing ability of the Coalinga-Huron USD to educate high school students in a more integrated environment would not be preserved for a Huron unified school district. Thus, the CDE recommends that this condition is not substantially met.

5.5 Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

Standard of Review

EC sections 35735 through 35735.10 mandate a method of computing Local Control Funding Formula (LCFF) entitlements without regard to this condition. Although LCFF entitlements are considered in this section, only potential costs to the state other than those mandated by EC sections 35735 through 35735.10 are used to analyze the proposal for compliance with this condition.
County Committee Evaluation/Vote

The County Superintendent stated that it did not appear there would be any material increase in costs to the State due to the proposed reorganization, noting that any funding calculations for the reorganized districts would be considered revenue neutral. The County Superintendent recommended that this condition is substantially met.

The County Committee unanimously voted (9-0) that this condition is substantially met.

Petitioners state that expenditures would simply be reallocated to different districts and would not increase because of the reorganization. The Coalinga-Huron USD notes that a new Huron district would need to request state funding for construction of a new high school—however, since availability of such state funds is uncertain, the district is unclear how this condition “weighs in the analysis.”

CDE Findings/Conclusion

If the new district is approved both by the SBE and at an election, a new LCFF entitlement will be calculated for the new Huron district and the remaining Coalinga-Huron USD. Based on 2015–16 data, and assuming the new district was effective for that year, the CDE calculates that the 2015–16 LCFF entitlements would have been $13.92 million for the Huron district and $25.76 million for the remaining Coalinga-Huron USD—the combined total being slightly more than $140,000 over the 2015–16 LCFF entitlement received by the Coalinga-Huron USD. The actual LCFF entitlement recalculation would be based on data from one year prior to the effective year of the new district (assuming the new district is approved).

Other state costs for transportation, categorical programs, and special education should not be affected significantly by the proposed reorganization. The Coalinga-Huron USD concern regarding the need for a new Huron district to request state funds to construct a new high school will be addressed in Section 5.7 of this report.

The CDE agrees with the County Committee that the proposal substantially meets this condition.
5.6 The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the districts affected by the proposed reorganization.

Standard of Review

The proposal or petition shall not have a significantly adverse effect on the educational programs of districts affected by the proposal or petition, and the CDE shall describe the district-wide programs, and the school site programs, in schools not a part of the proposal or petition that will be adversely affected by the proposal or petition (5 CCR Section 18573[a][5]).

County Committee Evaluation/Vote

The County Superintendent recommended that the proposed formation of a new Huron unified school district would not substantially meet this condition. The County Superintendent noted that historical student achievement at the middle schools (as measured by the Academic Performance Index [API]) has been equivalent for the Coalinga and Huron middle schools and the proposal should not change that. However, the County Superintendent stated that petitioners had provided no evidence that a new Huron high school could offer the number and diversity of courses currently at the Coalinga High School, including AP courses and Regional Occupational Program (ROP) opportunities.

The County Superintendent analysis posited that the fewer number of teachers at a Huron high school would translate into a less varied secondary education program since most teachers are required to have a single subject credential. This loss of diversity would be especially pronounced at the advanced course level, which typically has fewer students per course. The County Superintendent also suggested that the smaller pool of Huron area high school students would not allow for AP opportunities similar to those at Coalinga High School.

The County Superintendent stated that a new Huron district would have to apply to the local ROP in order to have ROP funding allocated to the new district. At the time this proposal was analyzed locally, there were no funds available for new program opportunities.

Petitioners stated that there would be no change in operations at either the elementary or middle school level. They stated that Coalinga High School is a historically underperforming school with a very high dropout rate—and Huron area students are the most likely to drop out. Petitioners suggested that all high school students would benefit from a reduction in class size.
The Coalinga-Huron USD noted that schools in the Huron community historically have scored much lower on the API than Coalinga community schools. Forming a new Huron district would result in two districts with drastically different academic performance. The district also argued that splitting into two districts would result in two small high schools, both well below 1,000 students with limited growth potential. This split would severely disrupt the secondary educational program due to limited AP courses and extracurricular activities.

The County Committee unanimously voted that this condition is not substantially met.

**CDE Findings/Conclusion**

The complete CDE analysis of this condition is Attachment 3. The conclusion from this analysis is repeated below.

Elementary students residing in the Coalinga area of the Coalinga-Huron USD attend one of four elementary schools, each serving a maximum of two grade levels. Huron-area elementary students (grades kindergarten through fifth) attend the single elementary school in Huron. Both the Coalinga and Huron communities have middle schools, which serve the sixth through eighth grade students from each community. The proposal to form a new Huron district should have little effect on the educational settings for kindergarten to eighth grade students in either the Coalinga or Huron communities.

While all elementary and middle schools in the Coalinga-Huron USD serve very high percentages of disadvantaged students (English learners [EL] or students eligible for the free or reduced-price meal [FRPM] program), students in the Huron community are more likely to be disadvantaged. Using the middle school populations for comparison, 56.9 percent of students in the Huron portion of the district are classified as EL, while 24.2 percent of Coalinga area students are EL. Similarly, 85.8 percent of Huron-area students are in the FRPM program compared to 71.7 percent of the students from the Coalinga community. Under LCFF, additional funding is provided for increased or improved services to disadvantaged students to help them succeed academically.

California’s nascent accountability system indicates relatively low academic performance for the Coalinga-Huron USD. This performance level also is reflected in the elementary and middle schools of the district. While the new academic accountability system indicates that the Coalinga Middle School outperforms the Huron Middle School, the historical API and Adequate Yearly Progress (AYP) data demonstrated that:

- Coalinga Middle School outperformed Huron Middle School on the AYP English language arts proficiency measure;
• Huron Middle School outperformed Coalinga Middle School on the AYP mathematics proficiency measure; and 

• API growth scores for the two schools were very similar.

At the elementary school level, Coalinga schools consistently outperformed the Huron Elementary School over the last three years of the API and AYP English language arts and mathematics proficiency measures.

Regardless of whether all elementary and middle school students continue to be educated within a single unified school district or are split between Coalinga and Huron area districts, academic challenges at these grade levels will exist due to extremely high percentages of disadvantaged students and current (and historical) levels of lower academic performance.

If a new Huron unified district is approved, it will be required to establish a new high school and provide educational services for its students who have disabilities or require alternative education programs. Concerns were raised at the local level regarding the ability of a new Huron high school to provide the number and diversity of courses equivalent to the offerings of the Coalinga High School. However, an online review of AP courses, specialized courses, and extracurricular activities offered by high schools similar to a proposed Huron high school indicates that a high school with 400-500 students is capable of offering numerous and diverse options for courses and activities. Similarly, based on this review, the remaining Coalinga portion of the district should be able to continue to offer similar numbers and diversity of courses and activities at the secondary level.

Existing processes already are in place for a new school district (or high school) to establish special education and Career Technical Education options. A new Huron unified school district should be able to access these processes.

Based on the information provided in this report, the CDE recommends that the proposal to form a new Huron unified school district substantially complies with this condition.

5.7 Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

Standard of Review

The SBE has not adopted regulations regarding this condition. However, an adequate analysis of the condition should include a determination of: (1) the availability of facilities to house all students at all grade levels in the reorganized area, (2) sources of funding for new construction, (3) effect on
facilities and housing capacity of all affected districts, and (4) impact on bonding capacity of affected districts.

**County Committee Evaluation/Vote**

The County Superintendent stated that approval of a new Huron unified school district would require that the new district construct a high school within five years of formation (the staff report noted that a high school in the Huron community is central to the petitioners’ desire for a new school district). The County Superintendent estimated that the cost of a new 600-student high school, based on established school construction guidelines, would be $53 million and stated that there currently is no source of funding for this construction. The staff report concludes that, regardless of construction costs or funding sources, the additional cost of a new high school is directly related to the proposal since the capacity of the existing Coalinga High School is sufficient for all high school students residing in both the Coalinga and Huron communities. The County Superintendent recommended that the proposal to form a new Huron unified school district does not substantially meet this condition.

The County Committee unanimously voted (9-0) that this condition is not substantially met.

Petitioners argue that the cost to build a new high school in the Huron community would be $22 million—costs likely will be lower since Huron residents have approached petitioners with offers to donate land upon which to build the school. Construction costs would be covered by Coalinga-Huron USD’s unencumbered bond funds and a general obligation bond that would pass in the Huron community. Petitioners further note that any costs would be insignificant and incidental to the reorganization since “construction of a high school is necessary to fully achieve the unification requested.”

The Coalinga-Huron USD estimates that, according to CDE school housing guidelines, construction of a new Huron high school would range between $30 and $50 million—not including land costs. The district states that: (1) the new district would not have sufficient funding for the new school, (2) there is no evidence of the land donation claims and, even if they existed, the donation would be subject to significant legal, administrative, and environmental review and approval, and (3) petitioner assumptions that potential bonding capacity of the Coalinga-Huron USD could be used for construction are unwarranted.

**CDE Findings/Conclusion**

The CDE analysis of this condition was prepared by the School Facilities and Transportation Services Division and is Attachment 4. A summary of this analysis follows.
A new Huron school district will need to construct a high school and the CDE estimates that the cost of a basic 500-student high school would be at least $35 million. Additionally, there likely will be a future need for construction of additional elementary school facilities in the Huron community. The Huron Elementary School currently has over 870 kindergarten through fifth grade students with 10 portable classrooms in use. At some point in time, expansion of the existing facility or an additional elementary school may be needed.

Additional space for continuation, independent study, and other alternative education programs is expected to be needed by the district. Also, the new district will require facility space for administration and support services/operations in addition to the space for educational programs.

The new district would have limited funding available for construction of the facilities that will be needed immediately and housing that likely will be required in the relatively near future. The proposal would remove 59 percent of the assessed valuation of the Coalinga-Huron USD, which would give the new Huron district a bonding capacity of approximately $31.5 million (in current dollars). However, the new Huron district likely would be liable for at least 59 percent of the current outstanding bonded indebtedness of the Coalinga-Huron USD (see Section 5.3 for more information). That calculates to approximately $13.5 million in bond debt for the new district6, leaving it with approximately $18 million in bonding capacity.

Voters approved Proposition 51 at the November 2016 election7, so it is reasonable to assume that a new Huron district will apply to the School Facilities Program for state construction funding. However, given that a new district likely could not be approved and operational for a number of years, the availability of such funding is uncertain. Additionally, it is uncertain whether a new Huron district would be eligible for state funding.

Removing the Huron-area students from Coalinga High School would cause an increase in the surplus student capacity at that high school. The high school has a capacity of 1,952 students and currently (2015–16 enrollment) has 1,183 students (61 percent of capacity). Removal of the Huron students would decrease utilization to 38 percent of capacity.

Formation of a new Huron unified school district creates the need for a new high school. It is the opinion of CDE that the cost of this school will not be insignificant and available funding sources have not been identified. The

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6 Voters in the Coalinga-Huron USD approved a $39 million general obligation bond in November 2016. A new Huron district also would be liable for 59 percent of any debt from this new bond measure that is incurred by the Coalinga-Huron USD between now and the time the new district is operational.

7 Proposition 51 authorizes $9 billion in general obligation bonds for new construction and modernization of K–12 public school facilities; charter schools and vocational education facilities; and California Community Colleges facilities.
reorganization proposal also would create significant surplus (unused) pupil capacity in the Coalinga High School.

CDE staff agrees with the finding of the County Committee that this condition is not substantially met.

5.8 The proposed reorganization is primarily designed for purposes other than to significantly increase property values.

Standard of Review

The SBE has not adopted regulations regarding this condition. The rationale for the reorganization should be analyzed and, if it is determined to be questionable or not compelling, there should be a consideration of increased property values as the primary reason for the reorganization.

County Committee Evaluation/Vote

There were local concerns regarding the proposed boundaries of a new Huron school district encompassing territory that enhances the AV of the new district (see Section 5.3 for additional information). The proposal would remove 59 percent of the Coalinga-Huron USD AV while only removing 39 percent of the student population. The Coalinga-Huron USD claimed that the proposal is designed to enhance the new district’s bonding capacity by including “oil-rich” territory, a state hospital, a state prison, and a water treatment facility. Petitioners deny that their primary reason for the formation of a new Huron district is to increase their property values.

The County Superintendent determined that, although petitioners have included some “desirable” properties within the boundaries of the proposed district, there is no evidence that the primary reason for the proposal is to increase property values. The County Superintendent concluded that this condition has been substantially met.

The County Committee voted unanimously (9-0) that this condition is substantially met.

CDE Findings/Conclusion

The CDE agrees with the County Superintendent and the County Committee that this condition is substantially met. Although there exists a disparity between the percentage of students removed from the Coalinga-Huron USD and the percentage of AV removed, there is no evidence to question the petitioners’ rationale for proposing a new Huron unified school district.

8 See map of proposed boundary in Figure 1 (page 2 of this attachment).
5.9 The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the proposed district or any existing district affected by the proposed reorganization.

Standard of Review

The SBE has not adopted regulations regarding this condition. The standards and criteria adopted by the SBE pursuant to EC Section 33127, and published in 5 CCR sections 15440-15466, are recommended for evaluation of the financial conditions of the affected districts.

County Committee Evaluation/Vote

The County Superintendent noted that, historically, state policymakers have encouraged school district consolidation for many reasons including “economy of scale,” which suggests that smaller school districts spend a greater percentage of revenue on “overhead” costs and larger districts operate more economically and efficiently. It was noted that splitting the Coalinga-Huron USD into two districts will result in increased expenses, including:

- Duplicate administrative team.
- Separate school board.
- Facility and maintenance costs: In addition to costs associated with building and operating a separate high school, the remaining Coalinga portion of the district will incur costs for continued maintenance of the surplus capacity of the Coalinga High School.
- Possible transportation and food services costs: Due to the proposed boundaries of the new district, some Huron students may be farther away from a new Huron high school than they are from the current high school.

The County Superintendent recommended that the proposal does not substantially meet this condition. The County Committee concurred, voting that the proposal failed to substantially meet the condition on a 7 to 2 vote.

The Coalinga-Huron USD stated that the reorganization would exacerbate the district’s deficit spending by making it more difficult to cut expenses and increase efficiencies in operation. The proposal would split available funds and duplicate district office expenses, resulting in “further inefficiencies and unsound fiscal management of the two districts.”

Petitioners argued that the deficit spending of the Coalinga-Huron USD demonstrates that the district is poorly run. The reorganized districts would be operating smaller school systems with the same level of funding and there is
no evidence that would indicate a negative effect on fiscal management or financial status of either district.

CDE Findings/Conclusion

The CDE analysis of this condition was prepared by the Categorical Allocations and Management Assistance Office and is Attachment 5. A summary of this analysis is presented below.

The CDE acknowledges that there will be increased administrative costs due to duplication of services whenever one district is divided into two (or more) districts. However, the CDE also assumes that it was not the Legislature’s intent to prohibit all reorganizations that would divide a district—thus, additional administrative costs due to the reorganization are not considered a sole reason for determining if this condition is met.

EC Section 35735 requires that an integral part of any reorganization proposal shall be the LCFF entitlement computed for the fiscal year prior to the year the district will be reorganized. Toward this end, CDE’s Principal Apportionment Section calculated hypothetical LCFF entitlements for a new Huron unified school district and remaining Coalinga portion of the Coalinga-Huron USD, assuming the districts were in effect for 2015–16 (see Section 5.5). Using this LCFF entitlement calculation and the 2015–16 Unaudited Actuals of the Coalinga-Huron USD, CDE developed a hypothetical fiscal scenario for use in analyzing this condition.

The 2015–16 scenario shows that the proposed Huron district would have had deficit spending of $434,733 and the remaining Coalinga portion of the district would have had a surplus of $1.3 million.9 The deficit spending of the proposed district does not take into consideration the additional costs that a new Huron district would incur for duplicate administrative services.

A similar fiscal projection for 2016–17 also was developed. Under this scenario both affected districts would be deficit spending—however, deficit spending for the proposed Huron district would be more significant, resulting in the district unable to meet its minimum reserve for economic uncertainties for 2016–17. As with the 2015–16 scenario, these calculations do not include the increased costs to the Huron district to create a new administrative structure.

The CDE agrees with the County Superintendent and the County Committee that the proposal does not substantially meet this condition.

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9 LCFF calculations for district reorganizations provide that categorical program entitlements accrue to the remaining portion of the original district (EC Section 35735.2[a][1]). The exclusion of these entitlements to a new Huron district results in a lower proportional share of LCFF Transitional Funding for the new district. It currently is unclear if this “entitlement exclusion” effect on a new Huron district will worsen, improve, or remain the same once LCFF is fully implemented.
6.0 COMPELLING REASONS FOR APPROVAL OF UNIFICATION PROPOSAL

Approval of any unification proposal by the SBE is a discretionary action, whether the SBE finds that all EC Section 35753 conditions are substantially met or even if all the conditions are not met. Although the SBE cannot approve the proposal to form a new Huron unified school district at this time, it must decide whether or not the proposal has sufficient merit to move forward. The SBE may consider compelling reasons offered by the Coalinga-Huron USD or the petitioners in making its determination of sufficient merit.

Petitioners have offered a number of reasons for seeking formation of a new Huron unified school district in Section 3.0 of this report. The SBE may consider any of the petitioners’ reasons, or reasons of its own, when making its determination.

7.0 COUNTY COMMITTEE EC SECTION 35707 REQUIREMENTS

The Education Code requires county committees to make certain findings and recommendations and to expeditiously transmit them along with the reorganization petition to the SBE. Although these required findings and recommendations have been presented previously in this report, they are summarized here:

7.1 County Committee Recommendation for the Petition

EC Section 35706 requires county committees to recommend to the SBE approval or disapproval of a petition for unification. The County Committee voted unanimously (9-0) to recommend disapproval of the proposal to form a Huron unified school district.

7.2 Effect on School District Organization of the County

EC Section 35707 requires a county committee to report whether the proposal would adversely affect countywide school district organization. The County Committee did not take any action regarding this requirement.

7.3 County Committee Opinion Regarding EC Section 35753 Conditions

A county committee must submit to the SBE its opinion regarding whether the proposal complies with the provisions of EC Section 35753. The County Committee found that five of the nine conditions in EC Section 35753(a) are substantially met by the following votes:

- Adequate Enrollment (9-0);
- Community Identity (9-0);
- Equitable Division of Property (8-1);
- Increased Costs to State (9-0);
- Increased Property Values (9-0).
The County Committee found that the remaining four conditions are not substantially met by the following votes:

- Promotion of Segregation (9-0);
- Educational Program (9-0);
- Increased Housing Costs (9-0);
- Financial Effects (7-2).

8.0 STAFF RECOMMENDED AMENDMENTS TO THE PETITION

The SBE has authority to make certain amendments to a proposal to reorganize school districts. Since the SBE cannot approve the proposal at this time, it should not make any amendments at this point. The following CDE recommendations are presented to assist the SBE in determining whether or not the proposal has sufficient merit to move forward.

8.1 Article 3 Amendments

Petitioners may include, and county committees or the SBE may add or amend, any of the appropriate provisions specified in Article 3 of the Education Code (commencing with EC Section 35730). These provisions include:

**Membership of Governing Board**

A proposal for unification may include a provision for a governing board of seven members. The petition contains no provision addressing the size of the governing board. CDE recommends that the governing board of a Huron school district (if approved) would have five members.

**Trustee Areas**

The proposal for unification may include a provision for establishing trustee areas for the purpose of electing governing board members of the unified district. No provision regarding trustee areas for governing board elections is included in this petition. CDE recommends that governing board members of a Huron school district (if approved) should be elected at-large.

**Election of Governing Board**

A proposal for unification may include a provision specifying that the election for the first governing board be held at the same time as the election on the unification of the school district. The petition does not contain such a provision. The Education Code also requires that, if this provision is included, the proposal specify the method whereby the length of the initial terms may be determined so that the governing board will ultimately have staggered terms that expire in years with regular election dates.
The CDE believes that there are at least two advantages in holding the governing board election at the same time as the election on the unification proposal. First, only one election is required, which reduces local costs. Second, the earlier election of board members gives the new board at least an additional four months to prepare for the formation of the new district. Thus, CDE staff recommends that a provision, specifying that the election for the first governing board be held at the same time as the election on the unification of the school district, be included as part of the unification proposal. Staff further recommends that the following method be employed to ensure the staggering of the terms of office for governing board members:

The three governing board candidates receiving the highest number of votes will have four-year terms and the two candidates receiving the next highest number of votes will have two-year terms. All terms will be for four years in subsequent governing board elections.

**Computation of Local Control Funding Formula Entitlement**

A proposal for reorganization of school districts must include a computation of the LCFF entitlement for each reorganized district. CDE’s Principal Apportionment Section has calculated that the 2015–16 LCFF entitlements would have been $13.92 million for the Huron district and $25.76 million for the remaining Coalinga-Huron USD—the combined total being slightly more than $140,000 over the 2015–16 LCFF entitlement received by the Coalinga-Huron USD.

If the unification is approved, the CDE will recalculate the LCFF entitlements based on information from one year prior to the effective date of the new school district.

**Division of Property and Obligations**

A proposal for the division of property (other than real property) and obligations of any district whose territory is being divided among other districts may be included. As indicated in Section 5.3 of this attachment, CDE staff finds that existing provisions of the *Education Code* may be utilized to achieve equitable distribution of property, funds, and obligations (other than bonded indebtedness) of Coalinga-Huron USD. Specifically, staff further recommends the following:

(a) All assets and liabilities of the Coalinga-Huron USD shall be divided based on the proportionate ADA of the students residing in the areas of the two affected districts on June 30 of the school year immediately preceding the date on which the proposed unification becomes effective for all purposes (*EC* Section 35736).
(b) Student body property, funds, and obligations shall be divided proportionately, except that the share shall not exceed an amount equal to the ratio which the number of pupils leaving the schools bears to the total number of pupils enrolled; and funds from devises, bequests, or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided (EC Section 35564).

(c) As specified in EC Section 35565, disputes arising from the division of property, funds, or obligations shall be resolved by the affected school districts and the county superintendent of schools through a board of arbitrators. The board shall consist of one person appointed by each district and one by the county superintendent of schools. By mutual accord, the county member may act as sole arbitrator; otherwise, arbitration will be the responsibility of the entire board. Expenses will be divided equally between the districts. The written findings and determination of the majority of the board of arbitrators is final, binding, and may not be appealed.

Method of Dividing Outstanding Bonded Indebtedness

The Education Code guides the division of the outstanding bonded indebtedness of the Coalinga-Huron USD. EC Section 35576 provides general methods for this division, indicating that the Huron district would be liable for the greater of the following:

- A pro rata share of outstanding bonded indebtedness based upon the ratio of the Huron district’s AV to the AV of the Coalinga-Huron USD; or

- The portion of outstanding bonded indebtedness incurred for acquisition or improvement of real property within the boundaries of the new Huron district.

The CDE recommends this existing provision for dividing outstanding bonded indebtedness.

8.2 Area of Election

EC Section 35756 provides that, if the proposal will be sent to an election, the SBE must determine the area of election.

Plans and recommendations to reorganize districts may specify an election area, but specification of an election area is not required (EC Section 35732). If a plan does not specify the area of election, the statute provides that “the election shall be held only in the territory proposed for reorganization.” The County Committee made no recommendation regarding the election area for
the proposed formation of a Huron unified school district, so the territory proposed for the new district would be the current default election area. The SBE may alter this area, but the alterations must comply with the principles discussed below.

In establishing the area of election, the CDE and SBE follow the legal precedent set by the California Supreme Court in Board of Supervisors of Sacramento County, et al. v. Local Agency Formation Commission (1992) 3 Cal. 4th 903 (the “LAFCO” decision). LAFCO holds that elections may be confined to within the boundaries of the territory proposed for reorganization (the “default” area), provided there is a rational basis for doing so. LAFCO requires we examine: (1) the public policy reasons for holding a reorganization election within the boundaries specified, and (2) whether there is a genuine difference in the relevant interests of the groups that the election plan creates (in the current reorganization, the analysis examines the interests of voters in the territory of the proposed Huron district and the interests of voters residing in the remaining Coalinga portion of the Coalinga-Huron USD).

The reduced voting area must have a fair relationship to a legitimate public purpose. State policy favors procedures that promote orderly school district reorganization statewide in a manner that allows for planned, orderly community-based school systems that adequately address transportation, curriculum, faculty, and administration.

The primary issue appears to be a disproportionate loss of AV for the remaining Coalinga portion of the Coalinga-Huron USD and the resultant decrease in the bonding capacity of the remaining portion of the district. However, CDE believes that it is too early to make a recommendation regarding the election area in light of this concern.

If the SBE decides the proposal has sufficient merit to move forward, the next step in the process will be compliance with the California Environmental Quality ACT (CEQA). Removal of a disproportionate share of the AV from the district could impede the remaining Coalinga portion of the district from accessing bond funds for future construction/modernization projects. Such impediment may have future environmental effects.

The required CEQA review\textsuperscript{10} may provide information related to this bonding capacity issue that could be important for the recommendation regarding the election area.

\textsuperscript{10} The California Supreme Court has determined that the reorganization of school districts is a project within the scope and meaning of CEQA (Fullerton Joint Union High School District v. State Board of Education [1982], 32 C. 3d 779, 187 Cal. Rptr. 398). Thus, the SBE (as lead agency) is required to consider the impact of a unification proposal on the environment.
9.0 STATE BOARD OF EDUCATION OPTIONS AND RECOMMENDED ACTION

9.1 SBE Options

At the present time, the SBE has two options regarding the proposal to form a Huron unified school district. It may:

(a) Disapprove the proposal.

(b) Determine the proposal has sufficient merit to move forward if:

(1) The SBE determines:
   - All the conditions in EC Section 35753(a) have been substantially met;
   - All the conditions in EC Section 35753(a) are not substantially met, but it is not possible to apply those conditions literally and an exceptional situation exists pursuant to EC Section 35753(b).

and,

(2) The SBE finds there is a compelling reason to move the proposal forward.

If the SBE determines the proposal has sufficient merit, the CDE recommends that the SBE inform local agencies and chief petitioners that they must comply, under SBE and CDE oversight, with the requirements of the CEQA (pursuant to California Public Resources Code 21000 et seq.) before a final action to approve can be considered by the SBE.

9.2 Recommended Action

The CDE recommends that the SBE disapprove the petition to form a new unified school district from the Huron portion of the Coalinga-Huron USD.
Racial/Ethnic Report on
Formation of a New Unified School District from the
Huron Community of the
Coalinga-Huron Unified School District in Fresno County

Background

The Fresno County Committee on School District Organization (County Committee) recommended that the California State Board of Education (SBE) disapprove a proposal to create a Huron Unified School District (USD) from the Huron community portion of the Coalinga-Huron USD.

Before making its recommendation regarding the proposed Huron USD, the County Committee was required to determine if the proposal substantially met a number of conditions including the following:

The reorganization of the districts will preserve each affected district's ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation. (Education Code [EC] Section 35753)[a][4])

The Fresno County Office of Education (COE) prepared a staff report and recommendations regarding the proposed formation of a Huron USD. In this report, the Fresno COE recommended to the County Committee that the proposal failed to substantially meet the EC Section 35753(a)(4) condition, noting that:

The "integrated educational experience" would not be maintained in the new Huron Unified School District. The analysis presented indicates the new Huron Unified School District would be 93.89% Hispanic, an increase from the CHUSD's current demographics of 81.09% Hispanic. The white student population of the proposed Huron Unified will be 1.37% of the total pupil population, 12.10% less than the white population currently attending CHUSD. Such a decrease clearly diminishes the diversity of the student population and increases segregation.

The County Committee unanimously voted that the proposed formation of Huron USD failed to substantially meet the EC Section 35753(a)(4) condition.

Following is a racial/ethnic report regarding the proposal to form a new Huron USD from the Huron community portion of the Coalinga-Huron USD prepared by the California Department of Education (CDE).
Criteria by which the unification proposal was evaluated

Pursuant to EC Section 35753(a)(4), a proposal to reorganize a school district may be approved if it is substantially determined that it would: (1) preserve each affected district’s ability to educate students in an integrated environment, and (2) not promote racial or ethnic discrimination or segregation. Section 18573 of Title 5, California Code of Regulations (5 CCR), requires five factors to be considered in making these determinations:

- The current number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts, compared with the number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts if the proposal or petition were approved.

- The trends and rates of present and possible future growth or change in the total population in the districts affected, in each racial and ethnic group within the total district, and in each school, of the affected districts.

- The school board policies regarding methods of preventing racial and ethnic segregation in the affected districts and the effect of the proposal or petition on any desegregation plan or program of the affected districts, whether voluntary or court-ordered, designed to prevent or to alleviate racial or ethnic discrimination or segregation.

- The effect of factors such as distance between schools and attendance centers, terrain, and geographic features that may involve safety hazards to pupils, capacity of schools, and related conditions or circumstances that may have an effect on the feasibility of integration of the affected schools.

- The effect of the proposal on the duty of the governing board of each of the affected districts to take steps, insofar as reasonably feasible, to alleviate segregation of minority pupils in schools regardless of its cause.

Each of these factors will be evaluated in light of available information, including information derived from the California Longitudinal Pupil Achievement Data System (CALPADS).
Discussion and Analysis

1. Current Racial/Ethnic Enrollment: District Level Analysis

Table 1 depicts current (2015–16) racial/ethnic enrollment and percentages in the Coalinga-Huron USD.

**Table 1a. Racial/ethnic enrollment within the existing district**

<table>
<thead>
<tr>
<th></th>
<th>African American</th>
<th>Asian</th>
<th>Hispanic or Latino</th>
<th>Other*</th>
<th>White</th>
<th>Total**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coalinga-Huron USD</td>
<td>45</td>
<td>69</td>
<td>3,743</td>
<td>55</td>
<td>460</td>
<td>4,372</td>
</tr>
<tr>
<td>(number of students)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coalinga-Huron USD</td>
<td>1.0%</td>
<td>1.6%</td>
<td>85.6%</td>
<td>1.3%</td>
<td>10.5%</td>
<td></td>
</tr>
<tr>
<td>(percent of students)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Source data: CALPADS (2015–16)*

* “Other” includes “American Indian or Alaska Native,” “Filipino,” “Pacific Islander,” and Two or More Races.” This will be the case for the entire report.

** Students making no response are not included in the total. This will be the case for all tables using CALPADS as source data.

As indicated in Table 1a, the existing Coalinga-Huron USD enrolls 4,372 kindergarten through twelfth grade students. The largest ethnic group in the district is the “Hispanic or Latino” group. Students in this group comprise 85.6 percent of the student population.

As indicated in Table 1a, the existing Coalinga-Huron USD enrolls 4,372 kindergarten through twelfth grade students. The largest ethnic group in the district is the “Hispanic or Latino” group. Students in this group comprise 85.6 percent of the student population.

Almost 90 percent of the student population in the Coalinga-Huron USD is designated as minority. The combined minority student population is shown in Table 1b below.

**Table 1b. Minority student enrollment in Coalinga-Huron USD**

<table>
<thead>
<tr>
<th></th>
<th>Minority</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coalinga-Huron USD</td>
<td>3,912</td>
<td>460</td>
</tr>
<tr>
<td>(number of students)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coalinga-Huron USD</td>
<td>89.5%</td>
<td>10.5%</td>
</tr>
<tr>
<td>(percent of students)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Source data: CALPADS (2015–16)*


2. Minority Enrollment in Proposed Unification: District Level Analysis

Table 2a depicts racial/ethnic enrollment of the proposed Huron USD and the remaining Coalinga district. The number of students in the proposed district was obtained by combining enrollment of the Huron Elementary School and the Huron Middle School with enrollment of the Coalinga High School that the Coalinga-Huron USD determined to reside within the boundaries of the proposed Huron district. Enrollments for the remaining Coalinga USD was calculated by combining enrollments from the Annie E. Cheney Kindergarten, Henry F. Bishop Elementary, Nell Dawson Elementary, Sunset Elementary, and Coalinga Middle schools with enrollment of the Coalinga High School that the Coalinga-Huron USD determined to reside within the boundaries of the remaining Coalinga district.

Table 2a. Racial/ethnic enrollment in proposed districts*

<table>
<thead>
<tr>
<th></th>
<th>African American</th>
<th>Asian</th>
<th>Hispanic or Latino</th>
<th>Other*</th>
<th>White</th>
<th>Total*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Huron USD</td>
<td>4</td>
<td>43</td>
<td>1,620</td>
<td>1</td>
<td>5</td>
<td>1,673</td>
</tr>
<tr>
<td>(number of students)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Remaining Coalinga USD</td>
<td>40</td>
<td>25</td>
<td>2,041</td>
<td>53</td>
<td>448</td>
<td>2,607</td>
</tr>
<tr>
<td>(number of students)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source data: CALPADS (2015–16) and Coalinga-Huron USD

* Not included in this table are the 93 students enrolled in the three continuation and community day schools of the Coalinga-Huron USD.

Table 2b displays the percentage of enrollment in each racial/ethnic group. The largest group in both districts is the “Hispanic or Latino” group, with 96.8 percent of the Huron area and 78.3 percent of the Coalinga area in this group.

Table 2b. Percent racial/ethnic enrollment in proposed districts*

<table>
<thead>
<tr>
<th></th>
<th>African American</th>
<th>Asian</th>
<th>Hispanic or Latino</th>
<th>Other*</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Huron USD</td>
<td>0.2%</td>
<td>2.6%</td>
<td>96.8%</td>
<td>0.1%</td>
<td>0.3%</td>
</tr>
<tr>
<td>(percent of students)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Remaining Coalinga USD</td>
<td>1.5%</td>
<td>1.0%</td>
<td>78.3%</td>
<td>2.0%</td>
<td>17.2%</td>
</tr>
<tr>
<td>(percent of students)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: CALPADS (2015–16) and Coalinga-Huron USD

* Not included in this table are the 93 students enrolled in the three continuation and community day schools of the Coalinga-Huron USD.

---

1 There is only one comprehensive high school in the Coalinga-Huron USD.
The combined minority student populations for the proposed Huron USD and the remaining Coalinga USD are shown in Table 2c below. All but five students in the proposed Huron district are minority students (99.7 percent minority) while 82.8 percent of students in the remaining Coalinga district are minority.

Table 2c. Minority enrollment in proposed districts*

<table>
<thead>
<tr>
<th></th>
<th>Minority</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Huron USD</td>
<td>1,668 (99.7%)</td>
<td>5 (0.3%)</td>
</tr>
<tr>
<td>Remaining Coalinga USD</td>
<td>2,159 (82.8%)</td>
<td>448 (17.2%)</td>
</tr>
</tbody>
</table>

*Not included in this table are the 93 students enrolled in the three continuation and community day schools of the Coalinga-Huron USD.

3. Racial and Ethnic Enrollment: Trends and Rates of Change

The following tables depict five-year trends and rates of change in racial/ethnic enrollment for the Coalinga-Huron USD and its schools.

Over the past five years, the Coalinga-Huron USD has had almost a three percent increase in total student population, with the most significant changes (in terms of student numbers) being a 6.7 percent increase in the Hispanic population and a 16.5 percent decline in the white student population. Both the African-American and the Asian student populations also declined in numbers over this time period.

Table 3a. Coalinga-Huron USD historical racial/ethnic enrollment

<table>
<thead>
<tr>
<th>Year</th>
<th>African American</th>
<th>Asian</th>
<th>Hispanic or Latino</th>
<th>Other</th>
<th>White</th>
<th>Total*</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011–12</td>
<td>50</td>
<td>89</td>
<td>3,507</td>
<td>51</td>
<td>551</td>
<td>4,248</td>
</tr>
<tr>
<td>2012–13</td>
<td>44</td>
<td>80</td>
<td>3,599</td>
<td>51</td>
<td>515</td>
<td>4,289</td>
</tr>
<tr>
<td>2013–14</td>
<td>37</td>
<td>84</td>
<td>3,673</td>
<td>54</td>
<td>486</td>
<td>4,334</td>
</tr>
<tr>
<td>2014–15</td>
<td>44</td>
<td>78</td>
<td>3,666</td>
<td>57</td>
<td>461</td>
<td>4,306</td>
</tr>
<tr>
<td>2015–16</td>
<td>45</td>
<td>69</td>
<td>3,743</td>
<td>55</td>
<td>460</td>
<td>4,372</td>
</tr>
</tbody>
</table>

% change 2011–12 to 2015–16:
-10.0%       -22.5%      6.7%       7.8%       -16.5%     2.9%

Source data: CALPADS
As seen in Table 3b, the combined grouping of all minority students in the Coalinga-Huron USD increased by 5.8 percent from 2011–12 to 2015–16.

### Table 3b. Coalinga-Huron USD minority enrollment change

<table>
<thead>
<tr>
<th>Year</th>
<th>Minority</th>
<th>White</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011–12</td>
<td>3,697</td>
<td>551</td>
<td>4,248</td>
</tr>
<tr>
<td>2015–16</td>
<td>3,912</td>
<td>460</td>
<td>4,372</td>
</tr>
<tr>
<td>% change</td>
<td>5.8%</td>
<td>-16.5%</td>
<td>2.9%</td>
</tr>
</tbody>
</table>

Source data: CALPADS

Tables 3c through 3i provide similar comparisons and trends for elementary, middle, and high school students in the district. While both overall enrollment and minority student enrollment declined slightly at the middle school level over the five-year period, the elementary and high schools displayed increases in minority students and decreases in white students.

### Table 3c. Elementary school historical racial/ethnic enrollment

<table>
<thead>
<tr>
<th>Year</th>
<th>African American</th>
<th>Asian</th>
<th>Hispanic or Latino</th>
<th>Other</th>
<th>White</th>
<th>Total*</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011–12</td>
<td>20</td>
<td>45</td>
<td>1,706</td>
<td>31</td>
<td>244</td>
<td>2,046</td>
</tr>
<tr>
<td>2012–13</td>
<td>24</td>
<td>37</td>
<td>1,803</td>
<td>32</td>
<td>237</td>
<td>2,133</td>
</tr>
<tr>
<td>2013–14</td>
<td>18</td>
<td>40</td>
<td>1,832</td>
<td>34</td>
<td>201</td>
<td>2,125</td>
</tr>
<tr>
<td>2014–15</td>
<td>23</td>
<td>40</td>
<td>1,798</td>
<td>33</td>
<td>191</td>
<td>2,085</td>
</tr>
<tr>
<td>2015–16</td>
<td>19</td>
<td>34</td>
<td>1,836</td>
<td>31</td>
<td>194</td>
<td>2,114</td>
</tr>
<tr>
<td>% change</td>
<td>-5.0%</td>
<td>-24.4%</td>
<td>7.6%</td>
<td>0.0%</td>
<td>-20.5%</td>
<td>3.3%</td>
</tr>
</tbody>
</table>

Source: CALPADS
Table 3d. Elementary school minority enrollment change

<table>
<thead>
<tr>
<th>Year</th>
<th>Minority</th>
<th>White</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011–12</td>
<td>1,802</td>
<td>244</td>
<td>2,046</td>
</tr>
<tr>
<td>2015–16</td>
<td>1,920</td>
<td>194</td>
<td>2,114</td>
</tr>
</tbody>
</table>

% change 2011–12 to 2015–16: 6.5% -20.5% 3.3%

Source data: CALPADS

Table 3e. Middle school historical racial/ethnic enrollment

<table>
<thead>
<tr>
<th>Year</th>
<th>African American</th>
<th>Asian</th>
<th>Hispanic or Latino</th>
<th>Other</th>
<th>White</th>
<th>Total*</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011–12</td>
<td>14</td>
<td>24</td>
<td>844</td>
<td>12</td>
<td>125</td>
<td>1,019</td>
</tr>
<tr>
<td>2012–13</td>
<td>10</td>
<td>19</td>
<td>830</td>
<td>10</td>
<td>114</td>
<td>983</td>
</tr>
<tr>
<td>2013–14</td>
<td>9</td>
<td>25</td>
<td>807</td>
<td>11</td>
<td>120</td>
<td>972</td>
</tr>
<tr>
<td>2014–15</td>
<td>9</td>
<td>19</td>
<td>788</td>
<td>15</td>
<td>123</td>
<td>954</td>
</tr>
<tr>
<td>2015–16</td>
<td>14</td>
<td>15</td>
<td>818</td>
<td>17</td>
<td>124</td>
<td>988</td>
</tr>
</tbody>
</table>

% change 2011–12 to 2015–16: 0.0% -37.5% -3.1% 41.7% -0.8% -3.0%

Source: CALPADS

Table 3f. Middle school minority enrollment change

<table>
<thead>
<tr>
<th>Year</th>
<th>Minority</th>
<th>White</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011–12</td>
<td>894</td>
<td>125</td>
<td>1,019</td>
</tr>
<tr>
<td>2015–16</td>
<td>864</td>
<td>124</td>
<td>988</td>
</tr>
</tbody>
</table>

% change 2011–12 to 2015–16: -3.4% -0.8% -3.0%

Source data: CALPADS
Table 3g. High school historical racial/ethnic enrollment

<table>
<thead>
<tr>
<th>Year</th>
<th>African American</th>
<th>Asian</th>
<th>Hispanic or Latino</th>
<th>Other</th>
<th>White</th>
<th>Total*</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011–12</td>
<td>16</td>
<td>19</td>
<td>883</td>
<td>8</td>
<td>177</td>
<td>1,103</td>
</tr>
<tr>
<td>2012–13</td>
<td>10</td>
<td>21</td>
<td>900</td>
<td>9</td>
<td>161</td>
<td>1,101</td>
</tr>
<tr>
<td>2013–14</td>
<td>10</td>
<td>18</td>
<td>964</td>
<td>8</td>
<td>158</td>
<td>1,158</td>
</tr>
<tr>
<td>2014–15</td>
<td>11</td>
<td>19</td>
<td>1,008</td>
<td>8</td>
<td>142</td>
<td>1,188</td>
</tr>
<tr>
<td>2015–16</td>
<td>11</td>
<td>19</td>
<td>1,007</td>
<td>6</td>
<td>135</td>
<td>1,178</td>
</tr>
</tbody>
</table>

Source: CALPADS

Table 3h. High school minority enrollment change

<table>
<thead>
<tr>
<th>Year</th>
<th>Minority</th>
<th>White</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011–12</td>
<td>926</td>
<td>177</td>
<td>1,103</td>
</tr>
<tr>
<td>2015–16</td>
<td>1,043</td>
<td>135</td>
<td>1,178</td>
</tr>
</tbody>
</table>

% change 2011–12 to 2015–16: 12.6% to -23.7%, 6.8%

Source data: CALPADS

In summary, minority student enrollment in the Coalinga-Huron USD has increased by almost six percent over the past five years—with this trend driven almost exclusively by increases in the Hispanic student population. Over that same period, white student enrollment in the district has decreased by 16.5 percent while overall student population has risen almost three percent.

Grade level trends are somewhat mixed. Both the elementary school and high school enrollment trends reflect the patterns of the district as a whole, while middle school enrollment declined in all groups— minority, white, and total enrollment. Table 3i depicts these overall grade level trends.
Table 3i. Five-year enrollment trends for Coalinga-Huron USD

<table>
<thead>
<tr>
<th>STUDENTS</th>
<th>PERCENT CHANGE</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minority</td>
<td>White</td>
<td>Total</td>
<td></td>
</tr>
<tr>
<td>Elementary School Students</td>
<td>6.5%</td>
<td>-20.5%</td>
<td>3.3%</td>
<td></td>
</tr>
<tr>
<td>Middle School Students</td>
<td>-3.4%</td>
<td>-0.8%</td>
<td>-3.0%</td>
<td></td>
</tr>
<tr>
<td>High School Students</td>
<td>12.6%</td>
<td>-23.7%</td>
<td>6.8%</td>
<td></td>
</tr>
<tr>
<td>All Students</td>
<td>5.8%</td>
<td>-16.5%</td>
<td>2.9%</td>
<td></td>
</tr>
</tbody>
</table>

Source data: CALPADS

4. Minority Student Enrollment: Projections

This section projects the percentage of minority student enrollment in the Coalinga-Huron USD, the proposed Huron unified school district, and the remaining Coalinga portion of the Coalinga-Huron USD should the Huron district be formed. As noted in the previous section, minority student enrollment in the Coalinga-Huron USD has increased by 5.8 percent over the past five-year period, while white student enrollment has declined by 16.5 percent (see Table 3b). Given that the percent of minority student enrollment is similar across school type in each of the Coalinga and Huron portions of the Coalinga-Huron USD (see Table 4a) and that minority enrollment growth trends are similar in each portion across elementary and middle school (see Table 4b), this report will assume that minority student growth in both the Coalinga and Huron portions will reflect the Coalinga-Huron USD growth percentages. An annual percentage growth based on these districtwide percentages is calculated and used to project enrollment in the Coalinga-Huron USD, the proposed Huron unified school district, and the remaining Coalinga portion of the Coalinga-Huron USD (see Table 4c).

Table 4a. Percent minority enrollment by school type in proposed districts*

<table>
<thead>
<tr>
<th>Area of District</th>
<th>School Type</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Elementary</td>
<td>Middle</td>
<td>High</td>
<td></td>
</tr>
<tr>
<td>Proposed Huron USD</td>
<td>99.7%</td>
<td>99.7%</td>
<td>99.8%</td>
<td></td>
</tr>
<tr>
<td>Remaining Coalinga USD</td>
<td>84.6%</td>
<td>80.2%</td>
<td>88.5%</td>
<td></td>
</tr>
</tbody>
</table>

Source: CALPADS (2015–16) and Coalinga-Huron USD

* Not included in this table are the 93 students enrolled in the three continuation and community day schools of the Coalinga-Huron USD.

As depicted in Table 4a, a proposed Huron unified school district would be almost 100 percent minority at all school types. The remaining Coalinga portion of the Coalinga-Huron USD would range from 80.2 percent minority at the middle school level to 88.5 percent at the high school level.
Table 4b below displays the similarities in growth rates for school type across the Coalinga and Huron areas of the Coalinga-Huron USD. Minority elementary student enrollment increased by 5.7 percent in the Huron area from 2011–12 to 2015–16 and increased by 7.2 percent in the Coalinga area. Both areas declined in minority elementary students—the Huron area by 4.2 percent and the Coalinga area by 1.6 percent. For purposes of this study, historical high school enrollment was not disaggregated by area of the district.

Table 4b. Percent minority student growth by school type and area

<table>
<thead>
<tr>
<th>Area of District</th>
<th>School Type</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Elementary</td>
<td>Middle</td>
<td></td>
</tr>
<tr>
<td>Proposed Huron USD</td>
<td>5.7%</td>
<td>-4.2%</td>
<td></td>
</tr>
<tr>
<td>Remaining Coalinga USD</td>
<td>7.2%</td>
<td>-1.6%</td>
<td></td>
</tr>
</tbody>
</table>

Source data: CALPADS (2011–12 to 2015–16)

As noted previously, given the relative similarities displayed in Tables 4a and 4b, overall growth rates for the Coalinga-Huron USD will be used to project minority student growth in both a proposed Huron school district and the remaining Coalinga portion of the district.

Table 4c. Projected minority student growth from each area of the district*

<table>
<thead>
<tr>
<th>Year</th>
<th>Huron Area Percent Minority Students</th>
<th>Coalinga Area Percent Minority Students</th>
<th>Coalinga-Huron USD Percent Minority Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015–16</td>
<td>99.7%</td>
<td>82.8%</td>
<td>89.5%</td>
</tr>
<tr>
<td>2016–17</td>
<td>99.7%</td>
<td>83.6%</td>
<td>90.0%</td>
</tr>
<tr>
<td>2017–18</td>
<td>99.7%</td>
<td>84.4%</td>
<td>90.5%</td>
</tr>
<tr>
<td>2018–19</td>
<td>99.7%</td>
<td>85.1%</td>
<td>90.9%</td>
</tr>
<tr>
<td>2019–20</td>
<td>99.8%</td>
<td>85.9%</td>
<td>91.4%</td>
</tr>
<tr>
<td>2020–21</td>
<td>99.8%</td>
<td>86.5%</td>
<td>91.9%</td>
</tr>
</tbody>
</table>

* Projections displayed in italics

Minority student enrollment in the Coalinga-Huron USD has increased by 5.8 percent from 2011–12 to 2015–16, while white student enrollment has declined by 16.5 percent over that same time period (see Table 3i). Using these values, an annual growth factor was calculated to project minority student enrollment for the next five years in each area of the Coalinga-Huron USD in Table 4c. These projections indicate that the Coalinga...
area would steadily become more minority (82.8 percent to 86.5 percent) while the Huron area would remain relatively unchanged (the Huron area is already almost 100 percent minority, so increases would be difficult to attain).

5. Effects of Unification on Minority Student Enrollment in Schools

The proposed unification should have little to no effect on minority student enrollment at any elementary or middle school of the Coalinga-Huron USD. Currently, students from each of the Coalinga and Huron communities primarily attend schools in their respective community.

However, the proposed unification would have an effect on the minority student enrollment at the high school level. There is only one comprehensive high school in the Coalinga-Huron USD, so high school students from both the Coalinga and Huron communities attend the same school—Coalinga High School. If the unification is approved, the Huron district would have to provide high school facilities—resulting in Coalinga-community high school students remaining at the Coalinga High School and Huron-community high school students attending high school in the Huron community. The focus of this section is to examine minority high school student enrollment under this scenario.

Table 5a. High school racial/ethnic enrollment by area

<table>
<thead>
<tr>
<th></th>
<th>African American</th>
<th>Asian</th>
<th>Hispanic or Latino</th>
<th>Other</th>
<th>White</th>
<th>Total*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coalinga-Huron USD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High School Students</td>
<td>11</td>
<td>19</td>
<td>1,007</td>
<td>6</td>
<td>135</td>
<td>1,178</td>
</tr>
<tr>
<td>Proposed Huron USD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High School Students</td>
<td>1</td>
<td>11</td>
<td>423</td>
<td>0</td>
<td>1</td>
<td>436</td>
</tr>
<tr>
<td>Remaining Coalinga USD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High School Students</td>
<td>10</td>
<td>8</td>
<td>584</td>
<td>6</td>
<td>134</td>
<td>742</td>
</tr>
</tbody>
</table>

Source data: CALPADS (2015–16) and Coalinga-Huron USD
Table 5b. High school racial/ethnic enrollment percentage by area

<table>
<thead>
<tr>
<th></th>
<th>African American</th>
<th>Asian</th>
<th>Hispanic or Latino</th>
<th>Other</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coalinga-Huron USD</td>
<td>0.9%</td>
<td>1.6%</td>
<td>85.5%</td>
<td>0.5%</td>
<td>11.5%</td>
</tr>
<tr>
<td>High School Students</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Huron USD</td>
<td>0.2%</td>
<td>2.5%</td>
<td>97.0%</td>
<td>0.0%</td>
<td>0.2%</td>
</tr>
<tr>
<td>High School Students</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Remaining Coalinga USD</td>
<td>1.3%</td>
<td>1.1%</td>
<td>78.7%</td>
<td>0.8%</td>
<td>18.1%</td>
</tr>
<tr>
<td>High School Students</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source data: CALPADS (2015–16) and Coalinga-Huron USD

Table 5a and 5b display the numbers and percentages of high school students in the Coalinga-Huron USD disaggregated by racial/ethnic group and area of the district (Coalinga and Huron). Hispanic students comprise the vast majority of students in the district as well as in each area of the district. High school students from the total Coalinga-Huron USD area are 85.5 percent Hispanic while the Coalinga area high school students are 78.7 percent Hispanic and the Huron area students are 97 percent Hispanic. Of the 135 white high school students in the Coalinga-Huron USD, only one is in the Huron area (representing 0.2 percent of the student population) while high school students in the Coalinga area are 18.1 percent white.

The following tables (5c and 5d) aggregate all racial/ethnic categories (except white) into a single minority student category and provide comparisons between minority students and white students in the Coalinga-Huron USD and the separate Coalinga and Huron communities.

Table 5c. High school minority enrollment by area

<table>
<thead>
<tr>
<th></th>
<th>Minority</th>
<th>White</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coalinga-Huron USD</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High School Students</td>
<td>1,043</td>
<td>135</td>
<td>1,178</td>
</tr>
<tr>
<td>Proposed Huron USD</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High School Students</td>
<td>435</td>
<td>1</td>
<td>436</td>
</tr>
<tr>
<td>Remaining Coalinga USD</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High School Students</td>
<td>608</td>
<td>134</td>
<td>742</td>
</tr>
</tbody>
</table>

Source data: CALPADS (2015–16) and Coalinga-Huron USD
Table 5d. High school minority enrollment percentage by area

<table>
<thead>
<tr>
<th></th>
<th>Minority</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coalinga-Huron USD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High School Students</td>
<td>88.5%</td>
<td>11.5%</td>
</tr>
<tr>
<td>Proposed Huron USD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High School Students</td>
<td>99.8%</td>
<td>0.2%</td>
</tr>
<tr>
<td>Remaining Coalinga USD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High School Students</td>
<td>81.9%</td>
<td>18.1%</td>
</tr>
</tbody>
</table>

Source data: CALPADS (2015–16) and Coalinga-Huron USD

As can be seen in the above two tables, minority students are about 82 percent of the high school students from the Coalinga area of the Coalinga-Huron USD, and white students are about 18 percent of the total high school student population. As noted previously, all but one high school student in the Huron area is minority.

The Coalinga High School minority student population has been increasing approximately 2.5 percent annually over the past five years, while white student population has declined an average 4.7 percent annually over the same time frame. Thus, it is expected that the minority student population from the Coalinga area of the district would increase somewhat over the next few years, while the white student population would decrease—resulting in minority students becoming an increasingly larger percentage of the Coalinga area high school student population.

Since high school students from the Huron area are almost 100 percent minority, it is meaningless to apply the projected rates of change in student population to the Huron area.

6. School Board Policies

The Coalinga-Huron USD has adopted a policy of non-discrimination in district programs and activities to promote equal opportunity for all individuals and programs to ensure that discriminatory practices are eliminated from all district activities. (Board Policy 0410)

7. Factors Affecting Feasibility of Integration

The position of the unification’s proponents is that a Huron unified school district would achieve a “racial and ethnic balance of the student body with the community from which it is drawn” since minority student enrollment in the schools of a Huron district would be proportional to the minority population of the Huron community.
Petitioners further note that the distance of the Coalinga High School from the Huron community and resultant travel time for Huron community high school students to attend this school does not allow these students to fully participate in the Coalinga High School community. While younger Huron community students currently are educated in community schools (at the elementary and middle school level), Huron community high school students must travel by bus or car approximately 20 miles one-way to attend school. Petitioners are concerned that the current distance between the high school and the Huron community impairs academic performance, decreases participation in extra-curricular activities, and depresses graduation rates of Huron community students.

8. Summary Statement: Findings of Fact

The Coalinga-Huron USD currently is 89.5 percent minority. If the Huron community were to withdraw from the district, the remaining Coalinga area of the district would be 82.8 percent minority while a new Huron district would be 99.7 percent minority. In all scenarios, the vast majority of the minority students are Hispanic.

Student enrollment in the current elementary and middle schools of the Coalinga-Huron USD would be unaffected by the proposed formation of a Huron school district since students from those schools come almost exclusively from the their respective communities. However, there currently is only one comprehensive high school, which serves both the Coalinga and the Huron communities. Formation of a new Huron district would require construction of a Huron-community high school. In this scenario, the Coalinga High School (serving only Coalinga community students) would have an 81.9 percent minority student population while a Huron high school student population would be 99.8 percent minority.

9. Conclusion

Given the above findings of fact, the CDE recommends that the proposal to form a new Huron unified school district does not substantially comply with EC Section 35753(a)(4). Although student demographics at each affected elementary and middle school would remain virtually unchanged following the successful formation of a new Huron district, the student population at a Huron high school would essentially be 100 percent minority. Thus, the existing ability of the Coalinga-Huron USD to educate high school students in a more integrated environment would not be preserved for a Huron unified school district.
Educational Program Report on  
Formation of a New Unified School District from the  
Huron Community of the  
Coalinga-Huron Unified School District in Fresno County

1. Background

The Fresno County Committee on School District Organization (County Committee) recommended that the California State Board of Education (SBE) disapprove a proposal to create a Huron Unified School District (USD) from the Huron community portion of the Coalinga-Huron USD.

Before making its recommendation regarding the proposed Huron USD, the County Committee was required to determine if the proposal substantially met a number of conditions including the following:

*The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the districts affected by the proposed reorganization. (Education Code [EC] Section 35753[a][6])*

The Fresno County Office of Education (COE) prepared a staff report and recommendations regarding the proposed formation of a Huron USD. In this report, the Fresno COE recommended to the County Committee that the proposal failed to substantially meet the EC Section 35753(a)(4) condition, noting that:

*There was no evidence presented by the petitioners that the new district would be able to offer the number or diversity of courses at the secondary level as currently offered by the Coalinga-Huron USD. In addition, there was no evidence presented that the new Huron USD could offer the same number of Advanced Placement courses or Regional Occupational Program (ROP) courses.*

The County Committee unanimously voted that the proposed formation of Huron USD failed to substantially meet the EC Section 35753(a)(4) condition.

Following is an educational program report regarding the proposal to form a new Huron USD from the Huron community portion of the Coalinga-Huron USD, prepared by the California Department of Education (CDE).
2. Schools in Current District

The Coalinga-Huron USD has five elementary schools (combined enrollment of 2,171), two middle schools (combined enrollment of 1,000), and one comprehensive high school (enrollment of 1,183). These schools are listed in the following table. All enrollment data is from the California Longitudinal Pupil Achievement Data System (CALPADS) for the 2015–16 academic year.

<table>
<thead>
<tr>
<th>School</th>
<th>Grade Levels</th>
<th>Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annie E. Cheney Kindergarten</td>
<td>K</td>
<td>129</td>
</tr>
<tr>
<td>Coalinga High</td>
<td>9–12</td>
<td>1,183</td>
</tr>
<tr>
<td>Coalinga Middle</td>
<td>6–8</td>
<td>633</td>
</tr>
<tr>
<td>Henry F. Bishop Elementary</td>
<td>K–1</td>
<td>326</td>
</tr>
<tr>
<td>Huron Elementary</td>
<td>K–5</td>
<td>874</td>
</tr>
<tr>
<td>Huron Middle</td>
<td>6–8</td>
<td>367</td>
</tr>
<tr>
<td>Nell Dawson Elementary</td>
<td>2–3</td>
<td>439</td>
</tr>
<tr>
<td>Sunset Elementary</td>
<td>4–5</td>
<td>403</td>
</tr>
</tbody>
</table>

Source data: CALPADS (2015–16)

The districts’ elementary schools educate students in a variety of grade level settings. Huron Elementary School serves all the elementary grade levels (kindergarten through fifth grade) in a single school, while the four remaining schools educate various subsets of that range: Annie E. Cheney Kindergarten has only kindergarten students, Henry F. Bishop Elementary educates kindergarten and first grade students, Nell Dawson Elementary serves second and third grade students, and Sunset Elementary has fourth and fifth grades.

Not listed in the above table are the two continuation high schools (Cambridge and Chestnut) and the Miles W. Culwell Community Day School operated by the district. These three programs enrolled a combined 93 students in 2015–16.

2. Schools in Proposed Districts

If the proposal to form a new Huron unified school district is approved, the new district will operate the school sites located within its boundaries while the remaining Coalinga-Huron USD will retain the school sites located within the boundaries of the Coalinga area of the district. Table 2 depicts the school sites located within each of the Huron and Coalinga areas of the Coalinga-Huron USD. As in Table 1, the continuation high and community day schools are not listed—however, all three of these schools are located within the Coalinga portion of the district.
Table 2: Schools in Coalinga and Huron Areas

<table>
<thead>
<tr>
<th>Proposed Huron Area</th>
<th>Grade Levels</th>
<th>Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Huron Elementary K–5</td>
<td>874</td>
<td></td>
</tr>
<tr>
<td>Huron Middle 6–8</td>
<td>367</td>
<td></td>
</tr>
<tr>
<td>Huron High* 9–12</td>
<td>436</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Remaining Coalinga Area</th>
<th>Grade Levels</th>
<th>Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annie E. Cheney Kindergarten</td>
<td>K</td>
<td>129</td>
</tr>
<tr>
<td>Henry F. Bishop Elementary</td>
<td>K–1</td>
<td>326</td>
</tr>
<tr>
<td>Nell Dawson Elementary</td>
<td>2–3</td>
<td>439</td>
</tr>
<tr>
<td>Sunset Elementary 4–5</td>
<td>403</td>
<td></td>
</tr>
<tr>
<td>Coalinga Middle 6–8</td>
<td>633</td>
<td></td>
</tr>
<tr>
<td>Coalinga High 9–12</td>
<td>747</td>
<td></td>
</tr>
</tbody>
</table>

Source data: CALPADS (2015–16) and Coalinga-Huron USD

* A Huron high school currently does not exist.

The Coalinga area likely will continue to educate elementary students in smaller grade ranges within the four elementary schools located in that area. Currently, one school serves kindergarten students only, one school is kindergarten through first, one school has second and third graders, and another has fourth and fifth grades. A new Huron district likely will need to serve all of its elementary students (K–5) in the only elementary school currently within the Huron area.

Both the Coalinga and Huron areas have a middle school—however, the Coalinga-Huron USD’s only comprehensive high school is located within the Coalinga area of the district. A new Huron district will have to provide housing for its 436 high school students. Pursuant to subdivision (b) of EC Section 35780, the district could be subject to lapsation if facilities are not provided within five years of formation of the new district. Between the date a new Huron district is effective and the time it can provide housing for its high school students, the new district is required to contract with another district to provide educational services for its unhoused students (EC Section 46304).

The new district also will need to provide for the education of its continuation high and community day school students.

3. Students in Current District

California’s Local Control Funding Formula (LCFF) provides additional funding, through supplemental and concentration grants, based on the percentage of the targeted disadvantaged students in a school district. Targeted students are classified as English learners (EL), eligible to receive a free or reduced-price meal (FRPM), foster youth, or any combination of these factors. The additional funding is to provide
increased or improved services to disadvantaged students to help them succeed academically. The two primary factors determining supplemental and concentration grant funding are the percentages of EL students and students in the FRPM program. The following table depicts the percentages of Coalinga-Huron USD students in these two groups.

Table 3: EL and FRPM Students in Coalinga-Huron USD

<table>
<thead>
<tr>
<th>School</th>
<th>English Learners</th>
<th>Free/Reduced Price Meals</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Elementary:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annie E. Cheney</td>
<td>30.2%</td>
<td>74.4%</td>
</tr>
<tr>
<td>Henry Bishop</td>
<td>39.6%</td>
<td>81.0%</td>
</tr>
<tr>
<td>Nell Dawson</td>
<td>39.2%</td>
<td>78.6%</td>
</tr>
<tr>
<td>Huron</td>
<td>80.3%</td>
<td>90.8%</td>
</tr>
<tr>
<td>Sunset</td>
<td>36.0%</td>
<td>78.2%</td>
</tr>
<tr>
<td><strong>Middle:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coalinga</td>
<td>24.2%</td>
<td>71.7%</td>
</tr>
<tr>
<td>Huron</td>
<td>56.9%</td>
<td>85.8%</td>
</tr>
<tr>
<td><strong>High:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coalinga</td>
<td>27.3%</td>
<td>74.9%</td>
</tr>
<tr>
<td><strong>District Totals</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>43.2%</td>
<td>79.9%</td>
</tr>
</tbody>
</table>

Source data: CALPADS (2015–16)

4. Students in Proposed Districts

Table 4 provides a comparison of the percentages of EL students and students in the FRPM program between the Coalinga and Huron areas of the district.

Table 4: EL and FRPM Students in Coalinga and Huron Areas

<table>
<thead>
<tr>
<th>School Type/Area</th>
<th>English Learners</th>
<th>Free/Reduced Price Meals</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Elementary:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coalinga Area</td>
<td>37.4%</td>
<td>78.6%</td>
</tr>
<tr>
<td>Huron Area</td>
<td>80.3%</td>
<td>90.8%</td>
</tr>
<tr>
<td><strong>Middle:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coalinga Area</td>
<td>24.2%</td>
<td>71.7%</td>
</tr>
<tr>
<td>Huron Area</td>
<td>56.9%</td>
<td>85.8%</td>
</tr>
<tr>
<td><strong>High:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coalinga Area</td>
<td>18.3%</td>
<td>70.0%</td>
</tr>
<tr>
<td>Huron Area</td>
<td>42.8%</td>
<td>83.2%</td>
</tr>
</tbody>
</table>

Source data: CALPADS (2015–16) and Coalinga-Huron USD

Note: High school values determined by applying each area’s ratio of middle school students in each student group to the total number of students from the respective student group at Coalinga High School.
As can be seen in the previous table, a Huron unified school district would have a significantly greater percentage of EL students and students in the FRPM program than would the remaining Coalinga area of the Coalinga-Huron USD.

5. Districtwide Programs

Academic Performance

California's new accountability and continuous improvement system is based on a five-by-five grid that produces 25 results and 5 performance levels (Blue, Green, Yellow, Orange, and Red). This five-by-five grid combines a district’s or school’s Status and Change to make an overall determination for each academic measure (equal weight is provided to both Status and Change).

Status is based on the most recent year of data for a particular accountability indicator. The five Status levels are:
- Very high
- High
- Medium
- Low
- Very low

Change is the difference between performance from the most recent year of data and the prior year data. The five Change levels are:
- Increased significantly
- Increased
- Maintained
- Declined
- Declined significantly

Combining Status and Change results in a color-coded performance level for each accountability indicator. The five color-coded performance levels in order are: blue (highest), green, yellow, orange, and red (lowest). The first release of data for this accountability system was in March 2017. Districtwide results for the Coalinga-Huron USD are displayed in the following table.

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Status</th>
<th>Change</th>
<th>Performance Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>English Learner Progress</td>
<td>Low</td>
<td>Maintained</td>
<td>Orange</td>
</tr>
<tr>
<td>Graduation</td>
<td>Medium</td>
<td>Increased</td>
<td>Green</td>
</tr>
<tr>
<td>English Language Arts</td>
<td>Low</td>
<td>Declined</td>
<td>Orange</td>
</tr>
<tr>
<td>Mathematics</td>
<td>Low</td>
<td>Maintained</td>
<td>Yellow</td>
</tr>
</tbody>
</table>
The Coalinga-Huron USD historically has been a lower performing school district. In the last three years of the previous state accountability model, the district consistently placed in the bottom third of the 18 Fresno County unified school districts on the Academic Performance Index (API) and Adequate Yearly Progress (AYP) English language arts and mathematics proficiency measures.

Academic performance at the middle school level, based on the new California Accountability Model, reflects the low districtwide performance. As can be seen in Table 5b, Huron Middle School placements in the California Accountability Model are generally lower than the Coalinga Middle School placements.

Table 5b: Middle School Placement in California Accountability Model

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Status</th>
<th>Change</th>
<th>Performance Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coalinga Middle School</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>English Learner Progress</td>
<td>Medium</td>
<td>Increased</td>
<td>Green</td>
</tr>
<tr>
<td>English Language Arts</td>
<td>Low</td>
<td>Declined</td>
<td>Orange</td>
</tr>
<tr>
<td>Mathematics</td>
<td>Very Low</td>
<td>Maintained</td>
<td>Red</td>
</tr>
<tr>
<td>Huron Middle School</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>English Learner Progress</td>
<td>Very Low</td>
<td>Declined</td>
<td>Red</td>
</tr>
<tr>
<td>English Language Arts</td>
<td>Very Low</td>
<td>Declined</td>
<td>Red</td>
</tr>
<tr>
<td>Mathematics</td>
<td>Very Low</td>
<td>Declined</td>
<td>Red</td>
</tr>
</tbody>
</table>

Although information presented in the above table shows lower placements for the Huron Middle School relative to the Coalinga Middle School, the schools performed more similarly on the previous academic accountability measures based on the API and AYP. Comparisons over the last three years consistently showed:

- Coalinga Middle School outperforming Huron Middle School on the AYP English language arts proficiency measure;
- Huron Middle School outperforming Coalinga Middle School on the AYP mathematics proficiency measure; and
- API growth scores for the two schools being very similar.

Placements on the new California Accountability Model for elementary schools in the Coalinga-Huron USD also demonstrate similar results. Although, schools in the Coalinga-area place higher than Huron-area schools, the differences appear to be somewhat less than the differences at the middle school level. The elementary school placements are shown in the following table.
Table 5c: Elementary School Placement in California Accountability Model

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Status</th>
<th>Change</th>
<th>Performance Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nell Dawson Elementary School (Coalinga area)</td>
<td>English Learner Progress</td>
<td>Very Low</td>
<td>Declined Significantly</td>
</tr>
<tr>
<td></td>
<td>English Language Arts</td>
<td>Low</td>
<td>Increased</td>
</tr>
<tr>
<td></td>
<td>Mathematics</td>
<td>Low</td>
<td>Declined Significantly</td>
</tr>
<tr>
<td>Sunset Elementary School (Coalinga area)</td>
<td>English Learner Progress</td>
<td>Low</td>
<td>Maintained</td>
</tr>
<tr>
<td></td>
<td>English Language Arts</td>
<td>Low</td>
<td>Declined</td>
</tr>
<tr>
<td></td>
<td>Mathematics</td>
<td>Low</td>
<td>Declined</td>
</tr>
<tr>
<td>Huron Elementary School (Huron area)</td>
<td>English Learner Progress</td>
<td>Very Low</td>
<td>Maintained</td>
</tr>
<tr>
<td></td>
<td>English Language Arts</td>
<td>Very Low</td>
<td>Maintained</td>
</tr>
<tr>
<td></td>
<td>Mathematics</td>
<td>Low</td>
<td>Increased</td>
</tr>
</tbody>
</table>

Although the above information shows more similarities between the Coalinga and Huron communities at the elementary school level, the Coalinga schools consistently outperformed the Huron Elementary School over the last three years of the API and AYP English language arts and mathematics proficiency measures.

**Alternative Education**

As noted previously, districtwide continuation high and community day school programs are located in facilities within the Coalinga portion of the district. If the proposal to form a new Huron unified school district is approved, the new district eventually will need to provide facilities to house its students in these programs.

**Special Education**

The Coalinga-Huron USD currently is part of the Fresno County Special Education Local Plan Area (SELPA). Except for Clovis USD and Fresno USD (each is a single district SELPA), all school districts in Fresno County are within the Fresno County SELPA. The districts in this SELPA provide for the coordinated delivery of special education programs and services, and ensure equal access to these programs and services for all students residing in the SELPA who require special education. A new Huron district likely would apply for member status in the Fresno County SELPA in order to provide services for its students with disabilities.
6. High School Programs

If the proposed Huron school district is approved, there will be few if any changes to the composition of the current elementary and middle schools. Although the schools located in the Huron community will become part of the new district and the schools located in the Coalinga community will remain in the existing district, each school will serve essentially the same student populations, and staffing and educational programs likely will remain very similar to what they were prior to the reorganization.

However, since there is only one comprehensive high school in the district, reorganization eventually will result in two high schools—a new high school in the Huron district and the Coalinga High School, which would serve a smaller population of students. Based on 2015–16 CALPADS data, there are 1,183 students enrolled in the Coalinga High School. That number would drop to 747 if a new Huron high school existed—the new high school would have 436 students (see Table 2). Local concerns have been raised that reducing the size of the Coalinga High School and forming another very small high school would significantly reduce the number and diversity of high school courses available to students, including Advanced Placement (AP) courses and Career Technical Education (CTE).

Advanced Placement Courses

The AP test program is administered by the College Board, a non-profit organization with a mission to help prepare high school students for college. AP courses are intended to be offered by high schools as rigorous, college-level classes in a variety of subjects. For a course to be designated as AP, the College Board must determine that it meets requirements of the AP curriculum.

The Coalinga-Huron USD provided the information contained in the following table showing the numbers of high school students from the Coalinga and Huron communities enrolled in AP courses for the 2015–16 academic year.

<table>
<thead>
<tr>
<th>AP Course</th>
<th>Coalinga Area Enrollment</th>
<th>Huron Area Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>AP Calculus</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>English Language/Composition</td>
<td>20</td>
<td>3</td>
</tr>
<tr>
<td>English Literature/Composition</td>
<td>27</td>
<td>7</td>
</tr>
<tr>
<td>Spanish</td>
<td>19</td>
<td>10</td>
</tr>
<tr>
<td>United States History</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>World History</td>
<td>19</td>
<td>2</td>
</tr>
</tbody>
</table>
Although Coalinga-Huron USD provided enrollment data for only the six AP courses listed in Table 6a, the district’s 2015–16 School Accountability Report Card (SARC) lists eight available AP courses for the Coalinga High School. This number is noted because this examination of the number and diversity of educational options available after reorganization includes reviewing SARC reports for high schools similar to a proposed Huron high school. The CDE identified 13 high schools that are similar in size (enrollment of 400 to 500), are not charter schools, and are not located in a large urban setting (i.e., not within the metropolitan areas of Los Angeles, Oakland, San Diego, or San Francisco). A SARC was not readily available online for two of the schools, so Table 6b below lists the 11 high schools with available SARC data on the number of AP courses offered.

Table 6b: AP Courses Offered by Similar High Schools

<table>
<thead>
<tr>
<th>High School</th>
<th>School District</th>
<th>County</th>
<th>2015–16 Enrollment</th>
<th>Number of AP Courses</th>
</tr>
</thead>
<tbody>
<tr>
<td>California City</td>
<td>Mojave Unified</td>
<td>Kern</td>
<td>484</td>
<td>3</td>
</tr>
<tr>
<td>Kern Valley</td>
<td>Kern High</td>
<td>Kern</td>
<td>463</td>
<td>1</td>
</tr>
<tr>
<td>Le Grand</td>
<td>Le Grand Union High</td>
<td>Merced</td>
<td>465</td>
<td>6</td>
</tr>
<tr>
<td>Middletown</td>
<td>Middletown Union High</td>
<td>Lake</td>
<td>466</td>
<td>5</td>
</tr>
<tr>
<td>Pierce</td>
<td>Pierce Joint Unified</td>
<td>Colusa</td>
<td>442</td>
<td>8</td>
</tr>
<tr>
<td>Saint Helena</td>
<td>Saint Helena Unified</td>
<td>Napa</td>
<td>475</td>
<td>11</td>
</tr>
<tr>
<td>Sierra</td>
<td>Sierra Unified</td>
<td>Fresno</td>
<td>458</td>
<td>7</td>
</tr>
<tr>
<td>Summerville</td>
<td>Summerville Union High</td>
<td>Tuolumne</td>
<td>452</td>
<td>5</td>
</tr>
<tr>
<td>West Shores</td>
<td>Coachella Valley Unified</td>
<td>Riverside</td>
<td>443</td>
<td>9</td>
</tr>
<tr>
<td>Willows</td>
<td>Willows Unified</td>
<td>Glenn</td>
<td>443</td>
<td>1</td>
</tr>
<tr>
<td>Winters</td>
<td>Winters Joint Unified</td>
<td>Yolo</td>
<td>435</td>
<td>6</td>
</tr>
</tbody>
</table>

The number of AP courses offered by high schools similar to a Huron high school range from one to 11, with an average of just over 5.6.

Career Technical Education

In Fresno County, CTE is provided through the Fresno Regional Occupational Program (ROP), which is a county-operated ROP. A new Huron district would need to apply to the Fresno ROP for access to CTE courses. The SARC reports for all high schools in Table 6b also indicate active involvement of students in CTE courses—thus, the size of Huron high school should not be a factor.

High School Curriculum/Courses

The CDE reviewed available online course offerings for three of the high schools listed in Table 6b: Pierce High School, Colusa County (442 students), Summerville
High School, Tuolumne County (452 students), and Winters High School, Yolo County (435 students) and compared them to those offered at Coalinga High School (as provided by the Coalinga-Huron USD). Although the total number of education options offered by the smaller districts rival those offered by the Coalinga High School, the diversity of options is slightly more constrained. The smaller districts’ options focus heavily on agriculture and visual and performing arts. A listing of courses offered by these schools is provided in the appendix to this report.

**Extracurricular Activities**

Review of online information for the 11 high schools listed in Table 6b indicated that the schools offered a variety of extracurricular activities, especially band/chorus and the Future Farmers of America (FFA) program. Moreover, all of the listed high schools offer a wide range of athletic programs, including both a varsity and junior varsity football program at each school.¹

7. Conclusion

Currently, elementary students residing in the Coalinga area of the Coalinga-Huron USD attend one of four elementary schools, each serving a maximum of two grade levels (see Section 2). Huron-area elementary students (grades kindergarten through fifth) attend the single elementary school in Huron. Both the Coalinga and Huron communities have middle schools, which serve the sixth through eighth grade students from each community. The proposal to form a new Huron unified school district should have little to no effect on the educational settings for kindergarten to eighth grade students in either the Coalinga or Huron communities.

Although all the elementary and middle schools in the Coalinga-Huron USD serve very high percentages of disadvantaged students (EL students or students in the FRPM program), students in the Huron community are much more likely to be disadvantaged (see Section 4). Using the middle school populations for comparison, 56.9 percent of students in the Huron portion of the district are classified as EL, while 24.2 percent of Coalinga area students are EL. Similarly, 85.8 percent of Huron area students are in the FRPM program compared to 71.7 percent of the students from the Coalinga community. Under LCFF, additional funding is provided for increased or improved services to these disadvantaged students to help them succeed academically.

California’s nascent accountability system indicates relatively low academic performance for the Coalinga-Huron USD. This performance level also is reflected in the elementary and middle schools of the district (see Section 5). While the new academic accountability system indicates that the Coalinga Middle School

¹ Source: MaxPreps (http://www.maxpreps.com)
outperforms the Huron Middle School, the historical API and AYP data demonstrated that:

- Coalinga Middle School outperformed Huron Middle School on the AYP English language arts proficiency measure;
- Huron Middle School outperformed Coalinga Middle School on the AYP mathematics proficiency measure; and
- API growth scores for the two schools were very similar.

At the elementary school level, Coalinga schools consistently outperformed the Huron Elementary School over the last three years of the API and AYP English language arts and mathematics proficiency measures.

Regardless of whether all elementary and middle school students continue to be educated within a single unified school district or are split between Coalinga and Huron area districts, academic challenges at these grade levels will exist due to extremely high percentages of disadvantaged students and current (and historical) levels of lower academic performance.

If a new Huron unified district is approved, it will be required to establish a new high school and provide educational services for its students who have disabilities or require alternative education programs. Concerns were raised at the local level regarding the ability of a new Huron high school to provide the number and diversity of courses equivalent to the offerings of the Coalinga High School. However, an online review of AP courses, specialized courses, and extracurricular activities offered by high schools similar to a proposed Huron high school indicates that a high school with 400-500 students is capable of offering numerous and diverse options for courses and activities. Similarly, based on this review, the remaining Coalinga portion of the district should be able to continue to offer similar numbers and diversity of courses and activities at the secondary level.

Existing processes already are in place for a new school district (or high school) to establish special education and CTE options. A new Huron unified school district should be able to access these processes.

Based on the information provided in this report, the CDE recommends that the proposal to form a new Huron unified school district substantially complies with EC Section 35753(a)(6).
Appendix

Survey of Classes Offered by Select High Schools Similar in Size to a Proposed Huron High School

Coalinga High School

Agriculture
Introduction to Agriculture, Introduction to Agriculture Welding

Career

Visual/Performing Arts
Art I, Band, Beginning Drama, Drama, Ceramics, Choir, Music, Multimedia I

Other
Child Development I, Child Development II, Pre-AP English Language Arts 9, Pre-AP English Language Arts 10

Pierce High School

Agriculture
Agriculture Science, Principles of Animal Science, Agriculture Business, Principles of Plant Science, Integrated Agriculture Biology, Agriculture Mechanics, Farm Equipment and Metal Fabrication, Advanced Farm Equip and Metal Fabrication, Agriculture Power Technology, Advanced Agriculture Power Technology, Agriculture Construction, Advanced Agriculture Construction, Floral Design, Food Science, ROP Farm to Table, Agriculture Special Projects

Career

Visual/Performing Arts
Art Appreciation, Drama, Music Appreciation, Band, Choir

Other
English Language Development Basic, English Language Development A, English Language Development B
Appendix (continued)

Survey of Classes Offered by Select High Schools
Similar in Size to a Proposed Huron High School

Summerville High School

Agriculture
Introduction to Agriculture Science, Advanced Plant and Animal Science, Agriculture Leadership, Agriculture Biology, Introduction to Veterinary Science

Career
CTE Accounting, CTE Advanced Auto Repair, CTE Elementary Education, CTE Law Enforcement, CTE Advanced Law Enforcement, CTE Welding, CTE Work Experience, Keyboarding/Career Development, Manufacturing, Advanced Manufacturing, General Business, Automotive Repair, Journalism, Robotics/Engineering, Media and Technology

Visual/Performing Arts
Art, Advanced Art I, Advanced Art II, Studio Art, Beginning Drama, Advanced Drama, Technical Theater, Beginning Band, Advanced Band, Jazz Band, Beginning Guitar, Orchestra, Beginning Piano, Choir, Dance, Ballet

Other
World Geography/Religions

Winters High School

Agriculture
Introduction to Agriculture, Intermediate Agriculture Mechanics, Agriculture Fabrication and Welding, Agriculture Engineering and Fabrication, Computer Integrated Agriculture Manufacturing, Agriculture Construction, Applied Plant Science and Agriculture Practice, Floriculture, CTE Agriculture Biology

Career
Introduction to Engineering Design, Principles of Engineering, Engineering Design and Development, Food Science, Culinary Essentials

Visual/Performing Arts
Art I, Art II, Art III, Beginning Drawing, Design and Color, Advanced Placement Art, Ceramics, Concert Band, Choir, Beginning Guitar

Other
Psychology
California Department of Education

**Memorandum**

**Date:** March 9, 2017

**To:** Peter Foggiato, Director  
School Fiscal Services Division

**From:** Juan Mireles, Director  
School Facilities & Transportation Services Division

**Subject:** School Facilities Analysis for Proposed Huron Unified School District

*Education Code* Section 35753(a) requires that nine conditions must be substantially met for the State Board of Education to approve a school district reorganization. Two conditions address school facilities, real property and bonded indebtedness:

- **Condition 3** requires that "The proposal will result in an equitable division of property and facilities of the original district or districts."

- **Condition 7** requires that "Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization."

A proposal has been made to form a Huron Unified School District from a portion of the Coalinga-Huron Unified School District.¹ Reorganization was not supported by the Fresno County Committee on School District Organization, which subsequently recommended that the State Board of Education disapprove formation of the Huron district. CDE's School Facilities & Transportation Services Division has reviewed available information regarding the proposed reorganization including relevant documents in the hearing record from the Fresno County Committee.

Our analysis concludes that the proposal will result in an equitable division of property and facilities of the original district. Therefore, condition 3 is MET.

Our analysis further concludes that any increase in school facilities costs due to the reorganization will not be insignificant or incidental to the reorganization and that no

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¹ Until 2013 the current District was named the Coalinga-Huron Joint Unified School District as District boundaries extend into Monterey and San Luis Obispo Counties.
credible financing plan for necessary high school facilities has been presented. Therefore, condition 7 is NOT MET.

The primary significant cost to the proposed Huron Unified School District will be acquisition of property and construction of a new high school, as reorganization would leave the only existing high school within the reorganized Coalinga Unified School District.

**Analysis of Condition 3**

**Projected Enrollment of the proposed Huron Unified School District**

No specific enrollment projection is available for the proposed Huron Unified School District. Available data for 2015-16 (last school year) shows 1,682 pupils in the Huron area:

<table>
<thead>
<tr>
<th>School</th>
<th>Grades</th>
<th>Pupils</th>
</tr>
</thead>
<tbody>
<tr>
<td>Huron Elementary School</td>
<td>TK-K-5</td>
<td>870</td>
</tr>
<tr>
<td>Huron Middle School</td>
<td>6-7-8</td>
<td>376</td>
</tr>
<tr>
<td>High School</td>
<td>9-12</td>
<td>436</td>
</tr>
<tr>
<td><strong>HURON SUBTOTAL</strong></td>
<td>K-12</td>
<td>1,682</td>
</tr>
</tbody>
</table>

Numbers of elementary and middle school pupils are based on 2015-16 California Longitudinal Pupil Achievement Data System (CALPADS) enrollment reported for Huron Elementary School and Huron Middle School. High School enrollment is based on information provided by the Coalinga-Huron Unified School District. Students in alternative education programs are not included in the total.

From 2005-06 to 2015-16 Huron Elementary School and Huron Middle School enrollment grew by less than 1% per year with a total K-8 growth of 82 pupils during the ten year period. Projecting ten years into the future with a more optimistic 1% growth rate shows a K-12 increase for the Huron area of 175 pupils in all grades, TK to 12. Facilities needed will be a high school, incremental expansion of Huron Middle School, and district support staff work spaces. This enrollment forecast is consistent with population and economic projections prepared by other agencies.

**Facilities Available for the proposed Huron Unified School District**

The Coalinga-Huron Unified School District reported that all schools in the Huron area were fully utilized with capacity equaling current enrollment. Additional enrollment may

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2 Students enrolled in alternative education programs are not included in the total.
3 Enrollment by school from CDE DataQuest and Coalinga-Huron Unified School District.
4 See “Economic Growth and Development chapter of 2013 Municipal Services Report by Fresno County LAFCo for the Coalinga-Huron Recreation and Park District which is coterminous with the Coalinga-Huron Unified School District within Fresno County
be accommodated in new classrooms added to existing campuses, development of a second elementary school in Huron, or combination of strategies.

Analysis of Condition 7

School Facility Utilization and Condition

No Multi-Track or Year-Round programs have been proposed in the reorganization materials. For this analysis all schools are anticipated to operate on a single-track, traditional calendar.

Condition of school facilities was not identified as a concern by the Fresno County Office of Education. No evidence is available that any of the existing schools are in poor condition. School inspections summarized in each school's 2015-16 School Accountability Report Card (SARC) showed one as "Exemplary," ten as "Good," and none as "Fair" or "Poor". Items needing repair were minor and many were noted as since completed or in process.

Post-reorganization ownership of existing properties in the Coalinga-Huron Unified School District

Currently eighteen (18) properties are owned by the Coalinga-Huron Unified School District. Fifteen (15) are within the proposed Coalinga Unified School district and three (3) are within the proposed Huron Unified School District. In Coalinga eight properties are used as schools and seven properties are used for District support (administration and operations). In Huron three properties are used as schools; Huron Elementary School includes a school bus facility. Table 1 identifies the individual properties.

Absent any agreements regarding disposition of real property assets, and pursuant to Education Code Section 35560, it is assumed that existing property will become property of the school district in which the property is physically located.

Providing school facilities for the proposed Huron Unified School District

During the 2015-16 school year 436 high school age pupils resided in the proposed Huron Unified School District. Future growth in the Huron community is expected to be modest; however, a high school to serve 500 pupils is reasonable in the next ten years. High schools need a minimum of 90 square feet per pupil, suggesting the need for a high school of at least 45,000 square feet. Current cost for a basic high school is more than $500 per square foot including all site development, infrastructure, construction, fixed equipment and soft costs. Land and acquisition costs are in addition, including testing required by statute to ensure safety for students, teachers, staff and visitors. Start-up furnishings, equipment and instructional materials also must be acquired.
Therefore, a cost of at least $35 million dollars in current year dollars may be expected for a basic 500 pupil high school.

We also note that Huron Elementary School has 870 pupils enrolled and has 10 portable classrooms in use. At some point in the future a second elementary school campus may be needed for the Huron area.

Continuation, Independent Study, and other Alternative Education programs are expected to be needed in the proposed Huron Unified School District and likely will require additional space. In addition, the proposed Huron Unified School District will need space for administration and support services/operations in addition to school spaces.

The ability to provide needed school facilities within five years is important to the reorganized districts. The CDE District Organization Handbook (2010 edition) notes at page 181:

If, after five years from the date of reorganization, the district is still unable to provide school facilities to educate all of its own students, the CDE shall annually report and recommend to the State Board of Education whether the district should be lapsed. If lapsation is recommended by the CDE, the State Board of Education may direct the County Committee on School District Organization to revert the reorganized district to its former status or to have it annexed to one or more neighboring districts.

We note that the proposed reorganization is expected to create additional surplus (unused) pupil capacity at Coalinga High School. District representatives reported the school has space for 1,952 pupils and had 1,183 pupils enrolled during the 2015-16 school year. Without students from Huron utilization will change from 61% to 38% of capacity.

**General Obligation Bonds and other sources of Capital Outlay Funding**

We are unable to accurately establish the value of potential General Obligation bonds available to the proposed Huron Unified School District. The Coalinga-Huron Unified School District has multiple local bond issues and other capital financing programs in place. The most recent audit reported $22.9 million in General Obligation bonds, $6.2 million in Certificates of Participation and $0.8 million in Capital Leases for a total of $29.9 million aggregate Long-Term Debt⁵.

In November 2016 district voters approved Measure R, a $39 million General Obligation bond, with 65% Yes votes, exceeding the needed 55% threshold to pass. Local support

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for school bonds also was seen in November 2010 when Measure E for $16.1 million passed with more than 63% Yes votes.

Current Assessed Value for the Coalinga-Huron Unified School District is approximately $2.1 billion.

The Coalinga-Huron Unified School District provided estimated Assessed Value for both the Coalinga and Huron portions of the district:

<table>
<thead>
<tr>
<th>2015-16 total AV</th>
<th>Coalinga</th>
<th>$885,011,076</th>
<th>41%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Huron</td>
<td>$1,259,242,174</td>
<td>59%</td>
<td></td>
</tr>
<tr>
<td>Coalinga-Huron</td>
<td>$2,144,253,250</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

2.50% bonding capacity6
<table>
<thead>
<tr>
<th>Coalinga</th>
<th>$22,125,277</th>
</tr>
</thead>
<tbody>
<tr>
<td>Huron</td>
<td>$31,481,054</td>
</tr>
<tr>
<td>Coalinga-Huron</td>
<td>$53,606,331</td>
</tr>
</tbody>
</table>

Notwithstanding Education Code Section 15107 existing bonded debt and repayment obligations must be considered as well as future changes in Assessed Value. Measure R bonds may be sold as Assessed Value (and therefore bonding capacity) grows or as older bond issues are paid down. The Huron Unified School District may also request from the State Board of Education a waiver to exceed the 2.5% statutory limit.

If the State Board of Education approves formation of a new Huron Unified School District, it will determine:

- How outstanding bonded indebtedness will be divided between the new district and the remaining portion of the Coalinga-Huron Unified School District. Education Code sections 35576 and 35738 will guide this determination.

- How previously sold but unspent bond proceeds and other capital funds including reserve funds will be allocated.

- How school facility impact mitigation fees ("developer fees") will be divided between the two districts. It is noted that approximately 20 homes per year were built in the District between 2010 and 20167, suggesting developer fees are a limited source of funding.

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6 The 2.50% bond limit for unified school districts is found in Education Code Section 15106. Non-unified districts have a limit of 1.25% in Education Code Section 15102.

If the State Board of Education adheres to the provisions of Education Code Section 35576, a new Huron Unified School District would be liable for at least 59 percent of the existing $22.9 million in outstanding bonded indebtedness of Coalinga-Huron Unified School District plus the same percentage of any Measure R funds expended before the new district becomes effective.

That liability for existing bonded debt ($13.5 million) would leave the new district with approximately $18 million in bonding capacity (not taking into account any future Measure R expenditures or potential State Board of Education waiver of the statutory debt limit).

**State Matching Funds for Needed School Facilities**

With passage of Proposition 51 in November 2016 it is reasonable to expect the Huron Unified School District to apply to the state School Facilities Program to fund part of the cost of a new high school and other needed school facilities for the Huron community. It is not possible to guarantee that future state capital funding will be available or that the Huron Unified School District would be eligible for funding.

Reorganization may have a significant effect on pre-K, elementary and middle school facility eligibility under the state School Facilities Program. Coalinga will lose potential New Construction eligibility at the high school level if high school students attend the proposed Huron Unified School District. Loss of eligibility for Coalinga Unified will be mitigated by the loss of enrollment. Huron Unified will gain the New Construction eligibility as enrollment shifts to the new Huron Unified School District. Costs for administrative and support spaces are borne by each district.

**Alternatives to School Construction**

The Huron Unified School District could consider operating a charter high school in order to be able to purchase or lease commercial buildings for use as a high school. Unlike buildings used by school districts which must be approved by the Division of the State Architect, charter schools may use facilities approved by a local building agency.

**Conclusion**

Approval of this reorganization creates the need for a new high school, the cost of which will not be insignificant and for which funding sources have not been identified. The cost of a new high school will not be incidental to the reorganization.

Note:
Table 1 appears on the next page.
Table 1: Existing Properties

**CITY: COALINGA; USE: SCHOOL**

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Grades</th>
<th>Capacity</th>
<th>Pupils</th>
<th>Utilized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bishop Elementary</td>
<td>1501 Sunset Ave.</td>
<td>K-1</td>
<td>346</td>
<td>326</td>
<td>94%</td>
</tr>
<tr>
<td>Cheney Kindergarten</td>
<td>149 Adams St.</td>
<td>TK, K</td>
<td>144</td>
<td>129</td>
<td>90%</td>
</tr>
<tr>
<td>Dawson Elementary</td>
<td>1303 Sunset Ave.</td>
<td>2-3</td>
<td>410</td>
<td>439</td>
<td>107%</td>
</tr>
<tr>
<td>Sunset Elementary</td>
<td>985 Sunset Ave.</td>
<td>4-5</td>
<td>429</td>
<td>403</td>
<td>94%</td>
</tr>
<tr>
<td>Coalinga Middle</td>
<td>265 Cambridge Ave.</td>
<td>6-8</td>
<td>645</td>
<td>633</td>
<td>98%</td>
</tr>
<tr>
<td>Coalinga High</td>
<td>750 Van Ness Ave.</td>
<td>9-12</td>
<td>1,952</td>
<td>1,183</td>
<td>61%</td>
</tr>
<tr>
<td>Community Day</td>
<td>275 Cambridge Ave.</td>
<td>10</td>
<td>32</td>
<td>65</td>
<td>203%</td>
</tr>
<tr>
<td>Cambridge/Alternative Education</td>
<td>516 Baker St.</td>
<td>11-12</td>
<td>128</td>
<td>65</td>
<td>51%</td>
</tr>
</tbody>
</table>

**CITY: COALINGA; USE: DISTRICT**

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Grades</th>
<th>Capacity</th>
<th>Pupils</th>
<th>Utilized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Welcome Center &amp; Instructional</td>
<td>516 Baker St.</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>District Administration Office</td>
<td>657 Sunset St.</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Human Resource/Board Chamber</td>
<td>485 N Fifth St.</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Maintenance Department</td>
<td>1408 California St.</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Reprographics Department</td>
<td>1030 California St.</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Transportation Department</td>
<td>1512 Sunset Ave.</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Warehouse</td>
<td>1010 N California St.</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

**CITY: HURON; USE: SCHOOL**

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Grades</th>
<th>Capacity</th>
<th>Pupils</th>
<th>Utilized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Huron Elementary</td>
<td>36131 &quot;N&quot; St.</td>
<td>TK-5</td>
<td>1,007</td>
<td>870</td>
<td>86%</td>
</tr>
<tr>
<td>Huron Middle</td>
<td>16875 Fourth St.</td>
<td>6-8</td>
<td>384</td>
<td>376</td>
<td>98%</td>
</tr>
<tr>
<td>Chesnut/Alternative Education</td>
<td>16673 Palmer Ave.</td>
<td>11-12</td>
<td>96</td>
<td>23</td>
<td>24%</td>
</tr>
</tbody>
</table>

**CITY: COALINGA; USE: DISTRICT**

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Grades</th>
<th>Capacity</th>
<th>Pupils</th>
<th>Utilized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Huron Transportation</td>
<td>36131 &quot;N&quot; St.</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

**TOTAL**

<table>
<thead>
<tr>
<th>Name</th>
<th>Grades</th>
<th>Capacity</th>
<th>Pupils</th>
<th>Utilized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coalinga-Huron Unified</td>
<td>TK-12</td>
<td>5,573</td>
<td>4,512</td>
<td>81%</td>
</tr>
</tbody>
</table>
California Department of Education

Memorandum

Date: March 27, 2017

To: Larry Shirey, Field Representative
    Principal Apportionment Systems Office

via: Peter Faggiato, Director
    School Fiscal Services Division

From: Janet Finley, Education Fiscal Services Consultant
    Categorical Allocations & Management Assistance

Subject: Fiscal Analysis of the Proposal to Transfer Territory from the Coalinga-Huron Unified School District to Form a New Huron Unified School District

We have reviewed the proposal to form the Huron Unified School District (Huron USD) by transferring territory from the existing Coalinga-Huron Unified School District (USD) to determine whether the potential reorganization would comply with Criteria #5 and #9 as provided in Education Code (EC) Section 35753(a).

Criterion #5 The proposed reorganization must not result in any significant increase in costs to the State

The Principal Apportionment Section provided hypothetical Local Control Funding Formula (LCFF) revenue estimates as if the proposed district reorganization were in effect as of the 2015–16 Second Principal Apportionment and 2016–17 First Principal Apportionment. The estimates were made using student counts provided by the district distributing students between the newly formed Huron USD and the remaining Coalinga Unified School District (Coalinga USD). The effect of the reorganization increased LCFF entitlements by an approximate $140,000 and $91,500 for the respective years reviewed. While the Coalinga USD claims that the Huron USD will take a disproportionate share of property tax revenues, the distribution of taxes between the two districts will not have an impact on State costs. Based on the LCFF estimates, we believe Criterion #5 is met and the proposed reorganization would not result in significant increased costs to the State.
Criterion #9 The proposed reorganization must not cause a substantial negative effect on the fiscal management or fiscal status of the proposed district or any existing district affected by the proposed reorganization

When one district divides into two, there will be some increased administrative costs due to the duplication of services required. District unifications and consolidations have been encouraged for this reason to eliminate duplicative administrative services and provide more efficient operations. However, we assume it was not the Legislature’s intent in establishing this criteria to prohibit all reorganizations that would divide an existing district into two or more separate districts. The proposed Huron USD would have enrollment of 1,685 pupils and the remaining Coalinga USD would have enrollment of 2,762 pupils. There are 69 unified school districts in the state with enrollment between 1,000 and 3,000 pupils. These districts are able to remain fiscally solvent at these enrollment levels; therefore, we will not consider the additional administrative costs resulting from the division as a sole reason to determine that the proposal does not meet Criteria #9.

Based on the 2015–16 Unaudited Actuals of the Coalinga-Huron USD, the district ended the year with an unrestricted surplus of $650,009 and an unrestricted ending fund balance of $5.9 million. Based upon calculations of LCFF revenue for 2015–16 assuming that the two districts had been in existence in that year, we developed a hypothetical fiscal scenario for 2015–16 as if the reorganization had taken place (see Table 1).

This scenario shows that the proposed Huron USD would have had 2015–16 deficit spending of $434,733 and the proposed Coalinga USD would have had a surplus of $1.3 million. These amounts do not take into consideration the additional administrative costs that would have been incurred. Huron USD’s deficit spending is 2.7 percent of expenditures and 28 percent of the unrestricted ending fund balance.

LCFF funding requirements for reorganizing districts provides that the 2012–13 categorical program entitlements (categorical funding) subsumed into LCFF remain with the Coalinga USD rather than be divided between the two districts. Pursuant to EC Section 35735.2, the district that lost territory maintains its categorical funding. Districts involved in the reorganization may work out local arrangements related to the categorical funding, but the California Department of Education will not make any adjustments for these situations. For the purposes of this analysis, we assumed that no local arrangements to allocate any of the categorical funding to Huron USD will be made.

The exclusion of categorical funding in the LCFF Floor entitlement for Huron USD results in a lower proportionate share of Transition Funding for Huron USD. The LCFF revenue split resulted in only 35 percent of the combined LCFF revenue going to Huron USD, while we assumed 38 percent of expenditures for Huron USD based on expenditures following the pupils. The LCFF Target entitlement for Huron USD if fully
funded, however, would have been 38 percent of the combined entitlement. During the LCFF transition period, Huron USD would receive a lower proportionate share of LCFF funding than the proportion of pupils it receives. These differences will become less pronounced as LCFF is fully transitioned, when funding is no longer based on the LCFF floor entitlement. However, full transition will not occur until fiscal year 2020–21 based on the Department of Finance’s current estimates.

The 2016–17 Second Interim Financial Report for the Coalinga-Huron District projects unrestricted deficit spending of $3.3 million. Based on distributing the average daily attendance for 2016–17 in the same proportion that was used in the hypothetical scenario for 2015–16 (see Table 1), Huron USD would have unrestricted deficit spending of $2 million (11 percent of expenditures) and Coalinga USD would have unrestricted deficit spending of $1.3 million (4 percent of expenditures) for 2016–17. With this level of deficit spending, Huron USD would not meet its minimum reserve for economic uncertainties for 2016–17. Huron USD’s projected unrestricted ending fund balance for 2016–17 would be $226,111 which is $400,869 short of meeting the required $626,980 reserve.

Based on the deficit spending scenario for the proposed Huron USD, expenditure reductions would be necessary to maintain the required reserve. These reductions would be exacerbated by the need to incur additional expenses for the creation of the new administrative structure of the district.

We also note that the proposed Huron USD would receive a larger share of the pupils who are English learners, youth in foster care, or students from low income families, with the 2015–16 unduplicated pupil percentage of 90 percent compared to the Coalinga USD unduplicated pupil percentage of 77.44 percent. It is not certain to what extent the needed reductions would impact the instructional program. If the new Huron USD is unable to achieve the spending reductions, the district could become qualified or negative in certification. Based on our review, because of the disproportionate share of the existing deficit spending that would be incurred by the new Huron USD resulting in deficit spending of $2 million or 11 percent of expenditures, before administrative cost increases resulting from the reorganization, it is our opinion that the proposed reorganization would have a substantial negative effect on the proposed Huron USD, and that the proposed reorganization does not meet Criteria #9.

Table 1 is attached and contains the following assumptions:

- Enrollment/ADA remains flat based on district’s assumptions.
- Certificated/Classified staffing remains flat.
- 2015–16 FTE for the proposed Coalinga USD, according to the district, would be 38 certificated and 12 classified.
- 2015–16 FTE for the proposed Huron USD, according to the district, would be 22 certificated and 7 classified.
• Certificated and classified salaries and benefits are divided between the Coalinga and Huron districts at 63 percent of current projected expenditures for Coalinga and 37 percent for Huron.

• Based on district projections, special education students and costs would be divided 63 percent to Coalinga and 37 percent to Huron in the proposed reorganization.

• All Revenues/Expenditures (excluding LCFF) were pro-rated 63 percent to Coalinga and 37 percent to Huron based on ADA/staffing/special education projections by district.

• LCFF Revenues for 2015–16 and 2016–17 were calculated assuming the reorganized districts were in existence in 2015–16 and 2016–17.

• Collective Bargaining agreements remain in effect until June 30, 2019.
### TABLE 1: FUNDING SCENARIOS

<table>
<thead>
<tr>
<th></th>
<th>FY 2015–16</th>
<th>FY 2016–17</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LCFF Revenue</td>
<td>$39,437,241</td>
<td>$13,916,542</td>
</tr>
<tr>
<td>Federal Revenue</td>
<td>$40,268</td>
<td>$14,899</td>
</tr>
<tr>
<td>Other State Revenue</td>
<td>$2,790,608</td>
<td>$1,032,525</td>
</tr>
<tr>
<td>Other Local Revenue</td>
<td>$753,833</td>
<td>$278,918</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td>$43,021,950</td>
<td>$15,242,884</td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Certificated Salaries</td>
<td>$17,480,896</td>
<td>$6,467,932</td>
</tr>
<tr>
<td>Classified Salaries</td>
<td>$5,265,091</td>
<td>$1,948,084</td>
</tr>
<tr>
<td>Employee Benefits</td>
<td>$8,118,367</td>
<td>$3,003,796</td>
</tr>
<tr>
<td>Books and Supplies</td>
<td>$3,395,211</td>
<td>$1,256,228</td>
</tr>
<tr>
<td>Services and Other Operating</td>
<td>$3,361,497</td>
<td>$1,243,754</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$982,295</td>
<td>$363,449</td>
</tr>
<tr>
<td>Other Outgo</td>
<td>$501,774</td>
<td>$185,656</td>
</tr>
<tr>
<td>Transfers Out/Other Uses</td>
<td>($152,220)</td>
<td>($56,321)</td>
</tr>
<tr>
<td>Contributions</td>
<td>$3,419,029</td>
<td>$1,265,041</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>$42,371,940</td>
<td>$15,677,618</td>
</tr>
<tr>
<td><strong>Net Increase (Decrease) in Fund Balance</strong></td>
<td>$650,010</td>
<td>($434,733)</td>
</tr>
<tr>
<td><strong>Beginning Fund Balance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>July 1</td>
<td>$5,269,497</td>
<td>$1,949,714</td>
</tr>
<tr>
<td><strong>Ending Fund Balance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>June 30</td>
<td>$5,919,507</td>
<td>$1,514,980</td>
</tr>
<tr>
<td>Restricted</td>
<td>$26,738</td>
<td>$9,893</td>
</tr>
<tr>
<td>Unassigned</td>
<td>$5,892,769</td>
<td>$1,505,087</td>
</tr>
<tr>
<td><strong>Reserve for Economic Uncertainties</strong></td>
<td>$1,472,861</td>
<td>$544,959</td>
</tr>
<tr>
<td>Funded ADA</td>
<td>4,191</td>
<td>1,577</td>
</tr>
</tbody>
</table>
SUBJECT

Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Sweetwater Secondary School, which was denied by the Sweetwater Union High School District and the San Diego County Board of Education.

SUMMARY OF THE ISSUE(S)

On December 12, 2016, the Sweetwater Union High School District (SUHSD) voted unanimously to deny the petition for Sweetwater Secondary School (SSS).

On February 8, 2017, the San Diego County Board of Education (SDCBOE) voted to deny the petition of SSS by a vote of three to two.

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. The SSS petitioner submitted an appeal to the SBE on March 3, 2017.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE hold a public hearing to approve, with technical amendments and three conditions, (Attachment 1 of Agenda Item 04 on the Advisory Commission on Charter Schools [ACCS] June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun17item04a1.doc), the request to establish SSS, for a five-year term effective July 1, 2017, through June 30, 2022, under the oversight of the SBE, based on the CDE's findings pursuant to EC sections 47605(b)(1), 47605 (b)(2), 47605(b)(3), 47605(b)(4), 47605(b)(5), 47605(b)(6), and California Code of Regulations, Title 5 (5 CCR) Section 11967.5.

Inherent to this recommendation, the CDE proposes the following conditions: (1) SSS may contract with Student Success Programs, Incorporated (SSP), (Inc.), Altus Institute, Inc. (AI), Altus-Mirus, Inc. (AM), Altus-Laurel, Inc. (AL), or any other affiliated or related organizations for goods and/or services if all such related entities agree to timely respond to all CDE inquiries into their operations including, but not limited to, management, fiscal, personnel, procurement, programmatic, advocacy, outreach, professional development, supervisory, facilities operations, facilities financing, and service agreements, in accordance with EC Section 47604.3, and fully cooperate with
any investigation into their operations conducted, pursuant to EC Section 47604.4; (2) SSS, SSP, AI, AM, AL, and/or any other affiliates agree to timely respond to all CDE inquiries regarding negotiations, revisions, and/or amendments to master agreements between SSS and any of the related entities, and to provide the CDE with a reasonable opportunity to review any new agreements entered into between SSS and any affiliates; and (3) SSS must adhere to the terms and conditions as noted in Attachment 1.

The CDE will conduct a pre-opening site visit at least 30 days prior to the scheduled opening date. Written authorization from the CDE would be required prior to the operation of any additional facility. The Meeting Notice for the SBE ACCS is located at http://www.cde.ca.gov/be/cc/cs/accsnotice060717.asp.

Advisory Commission on Charter Schools

The ACCS considered the SSS charter petition at its June 7, 2017, meeting. The ACCS unanimously voted to recommend that the SBE approve the SSS charter petition to establish SSS under the oversight of the SBE with technical amendments and three conditions, as proposed by the CDE.

The motion passed by a vote of six to one.

BRIEF HISTORY OF KEY ISSUES

At the May 11, 2017, SBE meeting, a petition for the establishment of Grossmont Secondary School (GSS), governed by Audeo Charter Schools, Inc. (ACS), was approved with the following condition:

- That the GSS Board shall approve and submit a balanced budget to the CDE, which includes a five percent reserve as required by the SBE, if the actual transfer of funds is not equivalent to the $600,000 of cash that is included in the GSS financial statements as presented with the charter petition.

Due to the discussion at the May 11, 2017, SBE meeting regarding the organizational structure associated with GSS, on May 12, 2017, the CDE requested a current organization chart for all the schools and governance organizations associated with ACS and requested that the organization chart include the most recent date of the organization chart and the names and titles of officers for each of the schools and organizations. The CDE’s request was sent to Jay Garrity, School Coordinator, Audeo Charter II (ACS II) and GSS; Gregg Haggart, Board President, ACS; and Lynne Alipio, ACS, Treasurer and Chief Financial Officer (CFO), and SSP, Treasurer and CFO. The CDE requested that this documentation be submitted by close of business day May 16, 2017.

On May 16, 2017, Jay Garrity provided the CDE with a cover letter and organization charts for SSP, ACS, and AM, and a chart with each of the charter schools in the Charter School of San Diego (CSSD) (Attachment 10 of Agenda Item 04 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at


On May 21, 2017, the CDE requested a copy of the Master Services Agreement from Lynne Alipio, Treasurer and CFO of ACS.

On May 22, 2017, the CDE requested a 2015–16 Audit report for ACS, from Lynne Alipio, Treasurer and CFO of ACS.

On May 25, 2017, the CDE requested, from Lynne Alipio, Treasurer and CFO of ACS, an explanation of the authority SSP has to approve a Resolution for the transfer of funds to GSS and SSS as beginning cash balance, and organization charts for AI and AL.

The CDE finds that these documents provide evidence that ACS has affiliations with the organizations noted in the CDE's recommendation and that there are common officers among these organizations. Additionally, these documents provided the authority that SSP has, at this point in time, to transfer funds to both GSS and SSS.

SSS is modeled after the CSSD. The CSSD serves high-risk pupils and has been approved by the CDE to participate in the Alternative School Accountability Model. SSS is targeting the same group of pupils: pupils that have not been successful in the traditional school system and are looking for a more personalized educational setting.

The SSS petition states that the mission of SSS is to implement personalized educational programs to facilitate pupil achievement. These educational programs will demonstrate that standards-based educational reform can provide a prototype for changing the way teachers teach and pupils learn in the future. SSS shall provide an instructional program for pupils in grade seven through grade twelve through an individualized, independent study instructional model (Attachment 3 of Agenda Item 04 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-Jun17item04a3.pdf).

The SSS petition further states that the primary purpose of their instructional design centers is to meet the need to motivate and inspire pupils who are academically at-risk. In addressing this need, SSS focuses their efforts on helping pupils re-engage to an instructional setting or in completing their course of study to earn a high school diploma, earn a General Equivalency Diploma, or pass a high school equivalency/proficiency exam (Attachment 3 of Agenda Item 04 on the ACCS June 7, 2017, Meeting Notice on

The SSS petition proposes to operate three resource centers located within the boundaries of the SUHSD, and that are in compliance with the recent Third Appellate District’s decision in Anderson Union High School District v. Shasta Secondary Home School (2016) 4 Cal. App. 5th 262.

In considering the SSS petition, CDE staff 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, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-Jun17item04a2.pdf.


- Description of changes to the petition necessary to reflect the SBE as the authorizing entity, Attachment 6 of Agenda Item 04 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-Jun17item04a6.pdf.

- Board agendas, minutes, and findings from the SUHSD and SDCBOE regarding the denial of the SSS petition, along with the petitioner’s response to the SUHSD and SDCBOE findings, Attachment 7 of Agenda Item 04 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-Jun17item04a7.pdf.


- May 16, 2017, Letter and Organization Charts from ACS II, Attachment 10 of Agenda Item 04 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS
On December 12, 2016, the SUHSD denied the SSS petition based on the following findings (Attachment 7 of Agenda Item 04 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-Jun17item04a7.pdf):

- The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- The petition does not contain an affirmation of each of the conditions.
- The petition fails to provide a reasonably comprehensive description of all of the elements prescribed by the law.

On February 8, 2017, the SDCBOE denied the SSS petition on appeal based on the following findings (Attachment 7 of Agenda Item 04 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-Jun17item04a7.pdf):

- The charter school presents an unsound educational program.
- The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- The petition does not contain reasonably comprehensive descriptions of each of the required charter elements.

The information in this item provides the analysis that the CDE has been able to complete to date with the available information.

**Educational Program**

The SSS petition proposes to serve pupils in grade seven through grade twelve in an independent study home school program. The SSS will model the educational program after the CSSD authorized by San Diego Unified School District since 1994. SSS proposes to achieve the following objectives:

- Improve pupil learning
- Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving
- Encourage the use of different and innovative teaching methods
• Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at SSS

• Provide parents and pupils with expanded choices in the types of educational opportunities available within the publicly funded school system

• Hold SSS accountable for meeting measurable pupil outcomes and provide SSS with a method to employ a performance-based accountability system instead of a rule-based system

• Provide vigorous competition within the public school system to stimulate continual improvements in all public schools

The mission of SSS is to facilitate pupil achievement through the implementation of personalized educational programs, thereby demonstrating that standards-based educational reform can provide a prototype for changing the way teachers teach and pupils learn in the future (Attachment 3 of Agenda Item 04 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-Jun17item04a3.pdf).

The educational vision of SSS is to move pupils forward by developing literate, educated thinkers and achievers who understand their political and social culture; can use mathematics and scientific methods to solve daily problems and contribute to society; and develop positive values.

SSS will issue its own diplomas based on a course of study consistent with California Common Core State Standards and requirements for graduation. SSS will seek accreditation from the Western Association of Schools and Colleges.

**Plan for Low-Achieving Pupils**

The petition states that SSS will engage at-risk pupils in a Multi-Tier System of Supports (MTSS) to participate and excel in school. SSS will immediately identify pupils who are below grade level upon enrollment by administering the Measures of Academic Performance (MAP) English language arts and math assessments at intake. Counselors will review the assessment results along with pupil records and academic history to assess pupil overall achievement levels and inform the creation of their Pathways Personalized Education Plan (PPEP) and the initiation of the SSS MTSS. The components of MTSS are as follows: core instruction; professional learning communities; data collection, monitoring, and reporting; parent training; intervention; high school completion options; and pupil and family services and supports through partnerships. The SSS petition states that pupil progress will be monitored through the systematic PPEP process that requires analysis of pupil achievement measures at least three times throughout the school year. The instructional team, including the parent(s), will determine the supports and services that are most effective with each pupil and identify any additional curricular and instructional supports necessary to support pupil achievement.
Plan for High-Achieving Pupils

The petition states that through the MTSS, SSS will systematically address support for all pupils, including gifted pupils and high achievers. Pupils who demonstrate the ability, through a variety of assessments, to perform above grade level will have a personalized education plan that reflects their strengths and interests through course selection and planning, differentiation of instruction, opportunities for acceleration, and curriculum enrichment and extension. The instructional team will collaborate to select appropriate courses including honors courses and Advanced Placement courses. The petition states that SSS pupils will be able to demonstrate mastery of subject matter standards at their own pace, giving pupils with advanced skills the option to complete courses in less time. Additionally, high achieving pupils will be afforded the opportunity to be concurrently enrolled in community college courses and to consult regularly with one of SSS’s college counselors. The SSS program for pupils identified as Gifted and Talented Education (GATE) will include acceleration and enrichment through individualized GATE plans that detail instructional strategies and differentiation of curriculum. The SSS petition states that GATE certified instructional leaders and teachers will be provided at each of the resource centers to consult and coordinate the implementation of individualized GATE plans. GATE plans will be reviewed and updated annually by the instructional team.

Plan for English Learners

The SSS petition states that SSS will meet all applicable legal requirements for English learners (ELs) pertaining to annual notification to parents, pupil identification placement, program options, EL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirements. The petition further states that SSS will implement policies to assure proper placement, evaluation, and communication regarding ELs and the rights of pupils and parents. The SSS petition states that the home language survey will be administered upon a pupil’s initial enrollment and all pupils indicating that their home language is other than English will participate in the California English Language Development Test (CELDT) within 30 days of initial enrollment and at least annually thereafter between July 1 and October 31 until redesignated as fluent English proficient. The SSS petition states that all ELs will have full access to SSS’s educational program through integrated English language development (ELD). Additionally, EL pupils will utilize BrainPOP, a Web-based comprehensive EL learning program that uses highly engaging animated visuals and provides explicit instruction of grammar concepts and academic vocabulary, as well as online courses through Edgenuity. SSS will monitor EL pupil development using: CELDT scores; MAP reading and language usage scores; common benchmark assessments; curriculum embedded assessments; California Assessment of Student Performance and Progress results; and teacher and parent observation. The instructional team will utilize the personalized educational planning process to determine the effectiveness of each EL pupil’s PPEP. When a pupil has not made adequate progress, interventions including additional ELD instruction, instructional aids and supports, and/or community support services will be provided by the SSS academic team.
Plan for Special Education

The SSS petition states that SSS will comply with all applicable state and federal laws in serving pupils with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and the Individuals with Disabilities in Education Improvement Act. SSS will be an independent local educational agency member of the El Dorado County Charter Special Education Local Plan Area. The SSS petition identifies a plan for pupils with disabilities, including identification and referral, individualized education program (IEP) meetings, IEP development and implementation, and due process (Attachment 3 of Agenda Item 04 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-Jun17item04a3.pdf).

Budget

The SSS multi-year projected budget includes the following projected pupil enrollment (Attachment 4 of Agenda Item 04 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-Jun17item04a4.pdf):

- 300 grade seven through grade twelve in 2017–18
- 360 grade seven through grade twelve in 2018–19
- 420 grade seven through grade twelve in 2019–20
- 480 grade seven through grade twelve in 2020–21

SSS has projected positive ending fund balances in its multi-year budget for fiscal years (FYs) 2017–18 through 2019–20. The SSS budget includes $500,000 as a beginning cash balance in the cash flow projections with no details or narrative. On March 31, 2017, the petitioner provided the SSP doing business as ACS, CSSD, and the Laurel Preparatory Academy, Board Resolution regarding the beginning fund balance that was included in the SSS budget. The SSP Resolution states that, the Corporation approves and authorizes all acts and transactions necessary to effectuate the transfer of operational control of the listed resource centers and an amount of their positive net balance of funds to GSS and/or SSS, respectively, contingent on GSS and/or SSS being granted a duly authorized charter petition. Further, the Resolution states that, upon confirmation of the listed resource centers’ positive net balance of funds and the granting of a duly authorized charter petition, SSS shall receive no less than $1,084,468 (Attachment 9 of Agenda Item 04 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-Jun17item04a9.pdf).

To attempt to ascertain the SSS’s resource centers’ positive net balance of funds, the CDE reviewed the FY 2016–17 Second Interim Report for CSSD for the period July 1, 2016, through January 31, 2017, and found no evidence of the specific resource centers’ positive net balance of funds. Therefore, the CDE finds the contingencies in the Resolution to be significant and does not include the $500,000 beginning cash balance as part of the CDE’s assumptions in the review of the SSS projected budget. By
excluding the cash, the CDE finds that the SSS multi-year budget has an ending fund balance of $118,523 and 4.6 percent reserve in year one, 2017–18. The CDE will require the SSS Board to submit a balanced budget which includes a five percent reserve as required by the SBE, if the actual transfer of funds is not equivalent to the $500,000 of positive net balance of funds included in the SSS multi-year budget. The CDE has included this as a condition inherent to the CDE’s recommendation.

Summary

Pursuant to EC sections 47605(b)(1), 47605(b)(2), 47605(b)(3), 47605(b)(4), 47605(b)(5), 47605(b)(6), and 5 CCR Section 11967.5.1, a charter petition must provide a reasonably comprehensive description of multiple required elements.

The CDE finds that the SSS petition presents a sound educational program for the pupils to be enrolled in SSS. The SSS petition provides an adequate description of several of the charter requirements, while others require technical amendments. The CDE finds that additional information and amendments to the petition would be needed if SSS is approved as an SBE-authorized charter school. These amendments are due to the change in authorizer and to strengthen or clarify elements for monitoring and accountability purposes.

The CDE finds that SSS is demonstrably likely to successfully implement the program with the proposed conditions and technical amendments.

A detailed analysis of the review of the entire petition is provided in Attachment 1 of Agenda Item 04 on the ACCS June 7, 2017, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun17item04a1.doc.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Currently, 29 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 18 sites
- Twenty-one 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 SSS for the CDE’s oversight activities. However, no additional resources are allocated to the CDE for oversight.
ATTACHMENT(S)

Attachment 1: California State Board of Education Standard Conditions on Opening and Operation (3 Pages)
• **Department of Justice and Subsequent Arrest Notification.** Each California 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 (SANs), and that the School must comply with this Code section in requesting a subsequent arrest service notification from the California 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/SANs 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.
ITEM 20
CALIFORNIA STATE BOARD OF EDUCATION
JULY 2017 AGENDA

SUBJECT

STATE BOARD PROJECTS AND PRIORITIES.
Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board appointments and direction to staff; declaratory and commendatory resolutions; Bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest.

SUMMARY OF THE ISSUE(S)

1. SBE Draft Preliminary Report of Actions/Minutes for the May 10-11, 2017 meeting
2. Board member liaison reports

RECOMMENDATION

The SBE staff recommends that the SBE:

1. Approve the Preliminary Report of Actions/Minutes for the May 10-11, 2017 meeting. (Attachment 1)

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At each regular meeting, the State Board has traditionally had an agenda item under which to address “housekeeping” matters, such as agenda planning, non-closed session litigation updates, non-controversial proclamations and resolutions, bylaw review and revision, Board policy; Board minutes; Board liaison reports; and other matters of interest. The State Board has asked that this item be placed appropriately on each agenda.

FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable.

ATTACHMENT(S)

Attachment 1: State Board of Education Draft Preliminary Report of Actions/Minutes for the May 10-11, 2017 meeting (31 Pages) may be viewed at the following link: http://www.cde.ca.gov/be/mt/ms/.
California State Board of Education
Meeting Agenda Items for July 12-13, 2017

ITEM 21
SUBJECT
GENERAL PUBLIC COMMENT.
Public Comment is invited on any matter not included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.

SUMMARY OF THE ISSUE(S)
This is a standing item on the agenda, which allows the members of the public to address the board on any matter that is not included in this meeting’s agenda.

RECOMMENDATION
Listen to public comment on matters not included on the agenda.

BRIEF HISTORY OF KEY ISSUES
Not applicable.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
Not applicable.

FISCAL ANALYSIS (AS APPROPRIATE)
Not applicable.

ATTACHMENT(S)
Not applicable.