California State Board of Education

Meeting Agenda Items for March 7-8, 2012
Vision, Mission, and Goals

California State Board of Education.

VISION

All California students of the 21st century will attain the highest level of academic knowledge, applied learning and performance skills to ensure fulfilling personal lives and careers and contribute to civic and economic progress in our diverse and changing democratic society.

MISSION

Create strong, effective schools that provide a wholesome learning environment through incentives that cause a high standard of student accomplishment as measured by a valid, reliable accountability system.

GOALS

1. Standards. Adopt and support rigorous academic content and performance standards in the four core subjects for kindergarten and grades 1 through 12.

2. Achievement. Ensure that all students are performing at grade level or higher, particularly in reading and math, at the end of each school year, recognizing that a small number of exceptional needs students must be expected, challenged, and assisted to achieve at an individually determined and appropriately high level. Advocate for mandatory intervention for every child not at grade level. Do everything possible to ensure that "the job is done right in the first place".

3. Assessment. Maintain policies assuring that all students receive the same nationally normed and standards-based assessments, grades 2 through 11, again recognizing that a small number of exceptional needs students must be separately and individually assessed using appropriate alternative means to determine achievement and progress.

Questions: State Board of Education | 916-319-0827

Last Reviewed: Friday, August 26, 2011
Bylaws
For the California State Board of Education, Amended July 9, 2003.

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) Prior to the December regular meeting, letters of nomination for the offices of president and vice president for the forthcoming calendar year shall be submitted to the executive director. When a member submits a letter nominating another member for either office, it shall be understood that the member being nominated has been consulted and has agreed to serve if elected. Members interested in serving in either office may nominate themselves.

(c) At a time to be set aside for the purpose by the president at the December meeting, the executive director shall indicate the names placed in nomination in accordance with paragraph (b). The president shall then call for other nominations from the floor, including self-nominations, which shall then be in order and shall not require a second.

(d) From the names placed in nomination at the December meeting, along with any additional nominations from the floor subject to the conditions set forth in this paragraph, a president and a vice president shall be elected at the beginning of the January regular meeting each year, with the newly elected officers assuming office immediately following the election. No member may nominate
himself or herself for the office of president or vice president at the January meeting, and any nomination for such office must be seconded if made at the January meeting.

(e) 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.

(f) 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.

(g) 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.

(h) 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 ex officio voting member of the Screening Committee and any ad hoc committees, either substituting for an appointed member who is not present with no change in an affected committee’s quorum requirement, or serving as an additional member with the affected committee’s quorum requirement being increased if necessary, provided that in no case shall the service of the president as ex officio voting member increase the total voting membership of a committee to more than five;
- 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;
- determine priorities for expenditure of Board travel funds;
- provide direction for the executive director;
- direct staff in preparing agendas for Board meetings in consultation with the other members as permitted by law;
- 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;
- and 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.

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 LIAISON OR REPRESENTATIVE

Section 7.

A Board member appointed as a liaison or representative shall:

- serve as an informal (non-voting) link between the Board and the advisory body or agency (or function) to which he or she is appointed as liaison or representative; and
- reflect the position of the Board, if a position is known to him or her, on issues before the advisory body or agency (or within the function) to which he or she is appointed as liaison or representative and keep the Board appropriately informed.

DUTIES OF A BOARD MEMBER APPOINTED TO ANOTHER AGENCY

Section 8.

The member shall:

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

ARTICLE V

Meetings

REGULAR MEETINGS

Section 1.

Generally, regular meetings of the Board shall be held on the Wednesday and Thursday preceding the second Friday of each of the following months: July, September, November, January, March, and May. However, in adopting a specific meeting schedule, the Board may deviate from this pattern to accommodate state holidays and special events. Other regularly noticed meetings may be called by the president for any stated purpose.

EC 33007

SPECIAL MEETINGS

Section 2.

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

OPEN MEETINGS

Section 3.
(a) All meetings of the Board, except the closed sessions permitted by law, and all meetings of Board committees, to the extent required by law, shall be open and public.

(b) All meetings shall conform to the Bagley-Keene Open Meeting Act, including requirements for notices of meetings, preparation and distribution of agendas and written materials, inspection of public records, closed sessions and emergency meetings, maintenance of records, and disruption of a public meeting. Those provisions of law which govern the conduct of meetings of the Board are hereby incorporated by reference into these Bylaws.

(c) Unless otherwise provided by law, meetings of any advisory body, committee or subcommittee thereof, created by statute or by formal action of the Board, which is required to advise or report or recommend to the Board, shall be open to the public.

GC 11120 et seq.

NOTICE OF MEETINGS

Section 4.

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

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

SPECIAL MEETINGS (ADDITIONAL PROVISIONS)

Section 5.

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

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

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

EC 33008
GC 11125

EMERGENCY MEETINGS

Section 5.

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

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

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

GC 11125.5
EC 33008
EC 33010
CLOSED SESSIONS

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
- Reorganization of the Board (if necessary)
- Approval of Minutes
- Communications
- Announcements
- Report of the Superintendent
- Reports of Board Ad Hoc Committee and Liaisons (as necessary)
- Ordering of the Agenda
- Consent Calendar
- Full Board Items
- Reports of Board Standing Committees
- President's Report
- Member Reports
- 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 COMMITTEES
A Screening Committee composed of no fewer than three and no more than five members shall be appointed by the president to screen 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.

AD HOC COMMITTEES

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

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

(a) The Board may hold a public hearing regarding any matter pending before it after giving the notice 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 an audiotape of the public hearing and a staff-prepared summary of comments received at the public hearing shall be made available to the Board members in advance of the meeting at which action on the pending matter is scheduled.

5 CCR 18460
EC 33031
GC 11125

COPIES OF STATEMENTS

A written copy of the testimony a person wishes to present at a public hearing is requested, but not required. The written copy may be given to appropriate staff in advance of or at the public hearing.

TIME LIMITS FOR THE PRESENTATION OF PUBLIC TESTIMONY

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 4.

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 BEFORE THE BOARD: 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 AN 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

STATEMENTS

Section 4.

All statements are requested to be submitted to the Board (or to staff if so directed by the Board) in advance of the presentation. Statements are requested to be in writing and should only be summarized in oral testimony.
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) Curriculum Development and Supplemental Materials 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 makes the following appointments:

(a) WestEd (Far West Laboratory for Educational Research and Development). Five individuals to serve three-year terms on the Board of Directors as follows:

- one representing the California Department of Education;
- two representing school districts in California; and
- two representing county offices of education in California.

JPA-FWL

(b) Trustees of the California State Summer School for the Arts. Two members, one of whom shall be a current member of the Board, for terms of three years.

EC 8952.5

(c) No Child Left Behind Liaison Team. Two members for terms not to exceed two years.

EC 52058.1

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 Curriculum Development and Supplemental Materials Commission;
(c) The National Association of State Boards of Education, if the Board participates in that organization.

(d) The Commission on Teacher Credentialing.

(e) The California Postsecondary Education Commission: one member to serve as the president's designee if the president so chooses, recognizing that no person employed full-time by any institution of public or private postsecondary education may serve on the commission.

EC 66901(d) and (h)

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 at the previous regular meeting.

Abbreviations

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

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

<table>
<thead>
<tr>
<th>Status</th>
<th>Date</th>
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<tbody>
<tr>
<td>Adopted</td>
<td>April 12, 1985</td>
</tr>
<tr>
<td>Amended</td>
<td>February 11, 1987</td>
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<td>December 11, 1987</td>
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<td>December 13, 1991</td>
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<td>November 13, 1992</td>
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<td>February 11, 1993</td>
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<td>Amended</td>
<td>June 11, 1993</td>
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<tr>
<td>Amended</td>
<td>May 12, 1995</td>
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<tr>
<td>Amended</td>
<td>January 8, 1998</td>
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SBE Agenda for March 2012

Agenda for the California State Board of Education (SBE) meeting to be held on March 7 and 8, 2012.

State Board Members

Michael W. Kirst, President  
Trish Williams, Vice President  
Carl Cohn  
Aida Molina  
James C. Ramos  
Patricia A. Rucker  
Ilene W. Straus  
Caitlin Snell, Student Member  
Vacancy  
Vacancy  
Vacancy

Secretary & Executive Officer

Hon. Tom Torlakson

Executive Director

Susan K. Burr

Schedule of Meeting

<table>
<thead>
<tr>
<th>Schedule of Meeting</th>
<th>Location</th>
</tr>
</thead>
</table>
| **Wednesday, March 7, 2012**  
8:30 a.m. Pacific Time ±  
STATE BOARD OF EDUCATION  
Closed Session – IF NECESSARY  
(The public may not attend.) | California Department of Education  
1430 N Street, Room 1101  
Sacramento, California 95814  
916-319-0827 |

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

CLOSED SESSION AGENDA

Conference with Legal Counsel – 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 which follows will be considered and acted upon in closed session:

- **Alejo, et al. v. Jack O’Connell, State Board of Education, et al.**, San Francisco County Superior Court, Case No. CPF-09-509568 CA Ct. of Appeal, 2nd Dist., Case No. A130721
- **California School Boards Association, et al. v. California State Board of Education and Aspire Public Schools, Inc.**, Alameda County Superior Court, Case No. 07353566, CA Ct. of Appeal, 1st Dist., Case No. A122485, CA Supreme Court, Case No. S186129
- **Doe, Jane, and Jason Roe v. State of California**, Tom Torlakson, the California Department of Education, the State Board of Education, Los Angeles Superior Court, Case No. BC445151
Conference with Legal Counsel – Anticipated Litigation: Under Government Code sections 11126(e)(1) and (e)(2)(B), the State Board of Education hereby provides public notice that it may meet in closed session to decide whether there is a significant exposure to litigation, and to consider and act in connection with matters for which there is a significant exposure to litigation. Under Government Code sections 11126(e)(1) and (e)(2)(C), the State Board of Education hereby provides public notice that it may meet in closed session to decide to initiate litigation and to consider and act in connection with litigation it has decided to initiate.

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

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

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<tr>
<th>Schedule of Meeting</th>
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<tr>
<td>Wednesday, March 7, 2012</td>
<td>California Department of Education</td>
</tr>
<tr>
<td>8:30 a.m. Pacific Time ±</td>
<td>1430 N Street, Room 1101</td>
</tr>
<tr>
<td>(Upon Adjournment of Closed Session, if held.)</td>
<td>Sacramento, California 95814</td>
</tr>
<tr>
<td>STATE BOARD OF EDUCATION</td>
<td>916-319-0827</td>
</tr>
<tr>
<td>Public Session</td>
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Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

<table>
<thead>
<tr>
<th>Schedule of Meeting</th>
<th>Location</th>
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<tr>
<td>Thursday, March 8, 2012</td>
<td>California Department of Education</td>
</tr>
<tr>
<td>8:30 a.m. Pacific Time ±</td>
<td>1430 N Street, Room 1101</td>
</tr>
<tr>
<td>STATE BOARD OF EDUCATION</td>
<td>Sacramento, California 95814</td>
</tr>
<tr>
<td>Closed Session – IF NECESSARY</td>
<td>916-319-0827</td>
</tr>
<tr>
<td>(The public may not attend.)</td>
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</tbody>
</table>
The Closed Session (1) may commence earlier than 8:30 a.m.; (2) may begin at or before 8:30 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 8:30 a.m.

<table>
<thead>
<tr>
<th>Schedule of Meeting</th>
<th>Location</th>
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</table>
| Thursday, March 8, 2012  
8:30 a.m. Pacific Time  
(Upon Adjournment of Closed Session, if held.) | California Department of Education  
1430 N Street, Room 1101  
Sacramento, California 95814  
916-319-0827 |

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

**ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY**

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

**THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE**

Persons wishing to address the State Board of Education on a subject to be considered at this meeting, including any matter that may be designated for public hearing, are asked, but not required, to notify the State Board of Education Office (see telephone/fax numbers below) by noon of the third working day before the scheduled meeting/hearing, stating the subject they wish to address, the organization they represent (if any), and the nature of their testimony. Time is set aside for individuals so desiring to speak on any topic not otherwise on the agenda (please see the detailed agenda for the Public Session). In all cases, the presiding officer reserves the right to impose time limits on presentations as may be necessary to ensure that the agenda is completed.

**REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY**

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

**CALIFORNIA STATE BOARD OF EDUCATION**

**FULL BOARD AGENDA**

**Public Session**

March 7, 2012

**Wednesday, March 7, 2012 – 8:30 a.m. Pacific Time  
(Upon adjournment of Closed Session if held)**

California Department of Education  
1430 N Street, Room 1101  
Sacramento, California 95814

Call to Order
Salute to the Flag
Closed Session
Communications
Announcements

REPORT OF THE STATE SUPERINTENDING
Public notice is hereby given that special presentations for informational purposes may take place during this session.

AGENDA ITEMS

**Item 1** (DOC; 72KB; 2pp.)

**Subject:** STATE BOARD PROJECTS AND PRIORITIES.

Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board office budget, staffing, appointments, and direction to staff; declaratory and commendatory resolutions; bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest.

**Type of Action:** Action, Information

- **Item 1 Attachment 1** (DOC; 91KB; 3pp.)
- **Item 1 Attachment 3** (DOC; 191KB; 23pp.)
- **Item 1 Attachment 4** (DOC; 26KB; 1p.)

**Item 2** (DOC; 130KB; 5pp.)

**Subject:** Instructional Quality Commission: Appointment of New Members.

**Type of Action:** Action, Information

- **Item 2 Attachment 3** (PDF; 261KB; 28pp.)

**Item 3** (DOC; 89KB; 11pp.)

**Subject:** Update on the Activities of the California Department of Education and State Board of Education Regarding Implementation of Common Core State Standards Systems.

**Type of Action:** Action, Information

- **Item 3 Attachment 1** (DOC; 10MB; 62pp.)
- **Item 3 Attachment 2** (PDF; 4MB; 15pp.)

**Item 4** (DOC; 229KB; 12pp.)

**Subject:** Reauthorization of the Statewide Pupil Assessment System: Development of the State Superintendent of Public Instruction Recommendations.

**Type of Action:** Action, Information

**Item 5** (DOC; 699KB; 86pp.)

**Subject:** Supplemental Instructional Materials Review Aligned to the Common Core State Standards: Approval of Reviewers.

**Type of Action:** Action, Information

**Item 6** (DOC; 315KB; 14pp.)

**Subject:** Update on the Activities of the California Department of Education Regarding Development of the English Language Development Standards for California Public Schools, Kindergarten through Grade Twelve.

**Type of Action:** Action, Information

**Item 7** (DOC; 2MB; 26pp.)

**Subject:** Elementary and Secondary Education Act: Discussion and Recommendation to Waive Selected Provisions of the Elementary and Secondary Education Act Pursuant to Section 9401.
**Type of Action:** Action, Information

**Item 8** (DOC; 2MB; 22pp.)

**Subject:** Elementary and Secondary Education Act: (1) Supplemental Educational Services Providers: Approval of Providers to the 2012–14 State Board of Education-Approved Supplemental Educational Services Provider List and a Waiver Request Under Title I, Part A Section 9401 of the Elementary and Secondary Education Act for 2012–14; and (2) School Improvement Grant: Approval of California’s Fiscal Year 2011 Continuation Awards Only Funds for the School Improvement Grant authorized under the Elementary and Secondary Education Act Section 1003(g).

**Type of Action:** Action, Information

**Item 9** (DOC; 82KB; 2pp.)

**Subject:** Standardized Testing and Reporting Program: Amendment to Educational Testing Service Contract.

**Type of Action:** Action, Information

**Item 10** (DOC; 142KB; 15pp.)

**Subject:** California High School Exit Examination: Development of a Streamlined Waiver Policy for Waiving the California High School Exit Examination Requirement for Students with Disabilities.

**Type of Action:** Action, Information

**Item 11** (DOC; 2MB; 12pp.)

**Subject:** Administration of Epilepsy Medication—Approve the Finding of Emergency and Proposed Emergency Regulations for Additions to the California Code of Regulations, Title 5, Sections 620–627.

**Type of Action:** Action, Information

- **Item 11 Attachment 3** (PDF; 656KB; 4pp.)
  - Accessible Alternate Version (AAV) of Item 11 Attachment 3

**Item 12** (DOC; 2MB; 17pp.)

**Subject:** Administration of Epilepsy Medication—Approve Commencement of the Rulemaking Process for Additions to the California Code of Regulations, Title 5, Sections 620–627.

**Type of Action:** Action, Information

- **Item 12 Attachment 4** (PDF; 657KB; 4pp.)
  - Accessible Alternate Version (AAV) of Item 12 Attachment 4

**Item 13** (DOC; 57KB; 1p.)

**Subject:** PUBLIC COMMENT.

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

**Type of Action:** Information

*** ADJOURNMENT OF DAY’S SESSION ***

**Public Session**

March 8, 2012
Call to Order
Salute to the Flag
Closed Session
Communications
Announcements

REPORT OF THE STATE SUPERINTENDENT

SPECIAL PRESENTATIONS
Public notice is hereby given that special presentations for informational purposes may take place during this session.

AGENDA ITEMS

*** PUBLIC HEARINGS ***

Public Hearings on the following agenda items will commence no earlier than 8:30a.m. on Thursday, March 8, 2012. The Public Hearings will be held as close to 8:30 a.m. or upon adjournment of Closed Session if held, as the business of the State Board permits.

** Item 14 ** (DOC; 48KB; 3pp.)
Subject: Dixon Montessori Charter School: Hold a Public Hearing to Consider a Material Revision of the Charter to Increase Enrollment.
Type of Action: Action, Information, Hearing
- Item 14 Attachment 1 (DOC; 58KB; 3pp.)
- Item 14 Attachment 2 (PDF; 626KB; 93pp.)
- Item 14 Attachment 3 (XLS; 51KB; 7pp.)

** Item 15 ** (DOC; 69KB; 3pp.)
Subject: Western Sierra Collegiate Academy: Hold a Public Hearing to Consider a Material Revision of the Charter to Expand Grade Levels Served and Amend Graduation Requirements.
Type of Action: Action, Information, Hearing
- Item 15 Attachment 1 (PDF; 710KB; 9pp.)
- Item 15 Attachment 2 (PDF; 3MB; 115pp.)
- Item 15 Attachment 3 (XLS; 55KB; 8pp.)

** Item 16 ** (DOC; 183KB; 20pp.)
Subject: Long Valley Charter School: Consider Issuing a Notice of Violation Pursuant to California Education Code Section 47607(d).
Type of Action: Action, Information, Hearing
- Item 16 Attachment 1 (PDF; 558KB; 69pp.)
- Item 16 Attachment 2 (PDF; 641KB; 104pp.)
- Item 16 Attachment 3 (PDF; 53KB; 8pp.)
Subject: Recommendations Regarding Revocation of Charter Schools Identified Pursuant to California Education Code Section 47604.5 and California Code of Regulations, Title 5, Section 11685.5.

Type of Action: Action, Information, Hearing

- Item 17 Attachment 2 (PDF; 50KB; 2pp.)

*** END OF PUBLIC HEARINGS ***

*** WAIVERS ***

NON-CONSENT (ACTION)

The following agenda items include waivers that CDE staff has identified as potentially having opposition, recommended for denial, or presenting new or unusual issues that should be considered by the State Board. 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 (Attendance Accounting for Multi-Track)

Item W-1 (DOC; 81KB; 4pp.)

Subject: Request by Escondido Union High School District for Heritage Charter to waive portions of California Code of Regulations, Title 5, Section 11960(a), to allow the charter school attendance to be calculated as if it were a regular multi-track school. (2 tracks; 175 to 177 days).

Waiver Number: 51-12-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-1 Attachment 1 (DOC; 64KB; 2pp.)
- Item W-1 Attachment 2 (PDF; 80KB; 1p.)
  - Accessible Alternate Version (AAV) of Item W-1 Attachment 2
- Item W-1 Attachment 3 (PDF; 82KB; 1p.)
  - Accessible Alternate Version (AAV) of Item W-1 Attachment 3

Charter School Program (Attendance Accounting for Multi-Track)

Item W-2 (DOC; 91KB; 5pp.)

Subject: Request by three school districts to waive portions of California Code of Regulations, Title 5, Section 11960(a), to allow attendance at their charter schools to be calculated as if they were regular multi-track schools.

Waiver Numbers:

- Lakeside Union 84-12-2011
- Los Angeles Unified 67-12-2011
- San Bernardino City Unified 26-12-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-2 Attachment 1 (DOC; 32KB; 1p.)
- Item W-2 Attachment 2 (DOC; 69KB; 2pp.)
- Item W-2 Attachment 3 (XLS; 1.3MB; 1p.)
  - Accessible Alternate Version (AAV) of Item W-2 Attachment 3
- Item W-2 Attachment 4 (DOC; 63KB; 2pp.)
- Item W-2 Attachment 5 (PDF; 336KB; 1p.)
  - Accessible Alternate Version (AAV) of Item W-2 Attachment 5
- Item W-2 Attachment 6 (PDF; 322KB; 1p.)
  - Accessible Alternate Version (AAV) of Item W-2 Attachment 6
- Item W-2 Attachment 7 (DOC; 63KB; 2pp.)
Charter School Program (Attendance Accounting for Multi-Track)

**Item W-3** (DOC; 82KB; 5pp.)

**Subject:** Request by two county offices of education and seven school districts to waive portions of *California Code of Regulations*, Title 5, Section 11960(a), to allow the charter school attendance to be calculated as if it were a regular multi-track school (5 tracks; 175 days).

**Waiver Numbers:**

- Antelope Valley Union High 11-1-2012
- Dehesa Elementary 12-1-2012
- Fresno County Office of Education 10-1-2012
- Julian Union Elementary 13-1-2012
- Palmdale Elementary 7-1-2012
- Stone Corral Elementary 8-1-2012
- Ventura County Office of Education 33-8-2011
- Westside Elementary 9-1-2012
- William S. Hart Unified High 14-1-2012

(Recommended for APPROVAL WITH CONDITIONS)

- **Item W-3 Attachment 1** (XLS; 32KB; 1p.)
- **Item W-3 Attachment 2** (XLS; 61KB; 3pp.)
- **Accessible Alternate Version (AAV) of Item W-3 Attachment 2**
- **Item W-3 Attachment 3** (DOC; 63KB; 2pp.)
- **Item W-3 Attachment 4** (DOC; 63KB; 2pp.)
- **Item W-3 Attachment 5** (DOC; 63KB; 2pp.)
- **Item W-3 Attachment 6** (DOC; 63KB; 2pp.)
- **Item W-3 Attachment 7** (DOC; 63KB; 2pp.)
- **Item W-3 Attachment 8** (DOC; 63KB; 2pp.)
- **Item W-3 Attachment 9** (DOC; 63KB; 2pp.)
- **Item W-3 Attachment 10** (DOC; 63KB; 2pp.)
- **Item W-3 Attachment 11** (DOC; 63KB; 2pp.)

Open Enrollment (Removal From the List of LEAs)

**Item W-4** (DOC; 91KB; 5pp.)

**Subject:** Request by 17 local educational agencies to waive California *Education Code* Section 48352(a) and *California Code of Regulations* Title 5, Section 4701 to remove their schools from the Open Enrollment List of “low-achieving schools” for the 2012–13 school year.

**Waiver Number:** List of schools attached

- **Item W-4 Attachment 1** (XLS; 41KB; 2pp.)
- **Item W-4 Attachment 2** (DOC; 77KB; 3pp.)
- **Item W-4 Attachment 3** (DOC; 78KB; 3pp.)
- **Item W-4 Attachment 4** (DOC; 78KB; 3pp.)
- **Item W-4 Attachment 5** (DOC; 74KB; 3pp.)
- **Item W-4 Attachment 6** (DOC; 87KB; 4pp.)
- **Item W-4 Attachment 7** (DOC; 75KB; 4pp.)
- **Item W-4 Attachment 8** (DOC; 66KB; 3pp.)
- **Item W-4 Attachment 9** (DOC; 66KB; 3pp.)
- **Item W-4 Attachment 10** (DOC; 69KB; 4pp.)
- **Item W-4 Attachment 11** (DOC; 75KB; 3pp.)
- **Item W-4 Attachment 12** (DOC; 72KB; 3pp.)
Open Enrollment (Removal From the List of LEAs)

**Item W-5** (DOC; 86KB; 4pp.)

**Subject:** Request by nine local educational agencies to waive California Education Code Section 48352(a) and California Code of Regulations Title 5, Section 4701 to remove their schools from the Open Enrollment List of “low-achieving schools” for the 2012–13 school year.

**Waiver Number:** List of schools attached

(Recommended for APPROVAL WITH CONDITIONS)

- **Item W-5 Attachment 1** (XLS; 32KB; 1p.)
- **Item W-5 Attachment 2** (DOC; 71KB; 3pp.)
- **Item W-5 Attachment 3** (DOC; 70KB; 3pp.)
- **Item W-5 Attachment 4** (DOC; 64KB; 3pp.)
- **Item W-5 Attachment 5** (DOC; 70KB; 3pp.)
- **Item W-5 Attachment 6** (DOC; 63KB; 3pp.)
- **Item W-5 Attachment 7** (DOC; 83KB; 3pp.)
- **Item W-5 Attachment 8** (DOC; 69KB; 4pp.)
- **Item W-5 Attachment 9** (DOC; 70KB; 3pp.)
- **Item W-5 Attachment 10** (DOC; 76KB; 3pp.)

Physical Education Program (Block Schedules)

**Item W-6** (DOC; 82KB; 4pp.)

**Subject:** Request by Santa Barbara Unified School District for a renewal to waive portions of California Education Code Section 51222(a), the statutory minimum of 400 minutes of physical education required each ten days for students in grades seven through twelve in order to implement a block schedule at San Marcos High School.

**Waiver Number:** 32-12-2011

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

- **Item W-6 Attachment 1** (DOC; 84KB; 2pp.)

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

**Item W-7** (DOC; 67KB; 2pp.)

**Subject:** Request by Willits Unified School District for Willits High School 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 Number:** Fed-71-2011

(Recommended for APPROVAL)

- **Item W-7 Attachment 1** (DOC; 61KB; 1p.)

Special Education Program (Algebra I Requirement for Graduation)

**Item W-8** (DOC; 70KB; 2pp.)

**Subject:** Request by Menifee Union Elementary School District to waive California Education Code Section 51224.5(b), the
requirement that all students graduating in the 2011-12 school year be required to complete a course in Algebra I (or equivalent) to
be given a diploma of graduation, for two special education student based on Education Code Section 56101, the special
education waiver authority.

Waiver Number: 12-12-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-8 Attachment 1 (DOC; 31KB; 1p.)
- Item W-8 Attachment 2 (DOC; 50KB; 1p.)

Special Education Program (Resource Teacher Caseload)

Item W-9 (DOC; 72KB; 3pp.)

Subject: Request by two local education 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
district’s resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum).

Waiver Numbers:

- Sierra Sands Unified School District 1-11-2011
- South Monterey County Joint Union 36-10-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-9 Attachment 1 (DOC; 45KB; 1p.)
- Item W-9 Attachment 2 (DOC; 120KB; 4pp.)
- Item W-9 Attachment 3 (DOC; 115KB; 4pp.)

State Testing Apportionment Report (CELDT)

Item W-10 (DOC; 73KB; 3pp.)

Subject: Request by San Juan Unified School District to waive the State Testing Apportionment Information Report and deadline of
December 31 in the California Code of Regulations, Title 5, Section 11517.5(b)(1)(A) regarding the California English Language
Development Test.

Waiver Number: 14-11-2011

(Recommended for APPROVAL)

- Item W-10 Attachment 1 (DOC; 53KB; 2pp.)
- Item W-10 Attachment 2 (PDF; 31KB; 1p.)

Instructional Materials Funding Realignment Program (IMFRP) (Purchasing Order and Timelines)

Item W-11 (DOC; 71KB; 3pp.)

Subject: Request by Tehama County Office of Education under the authority of California Education Code Section 41344.3 to
waive Education Code Section 60119 and the resulting audit penalty of $6,306 regarding the annual public hearing and board
resolution on the availability of textbooks and instructional materials for fiscal year 2010–11. Tehama County Office of Education
held its hearing on June 29, 2011 rather than within eight weeks from the start of the school year.

Waiver Number: 33-11-2011

(Recommended for APPROVAL)

- Item W-11 Attachment 1 (DOC; 73KB; 2pp.)
- Item W-11 Attachment 2 (PDF; 288KB; 1p.)

Out-of-State Use of Funds and Transportation Allowances
**Item W-12** (DOC; 74KB; 3pp.)

**Subject:** Request by Johnstonville Elementary School District to waive a portion of California *Education Code* Section 35330(d) to authorize expenditure of school district funds for students to travel to Oregon and Nevada to attend curricular and extracurricular trips/events and competitions.

**Waiver Number:** 56-12-2011

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

- **Item W-12 Attachment 1** (DOC; 61KB; 2pp.)

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**Item W-13** (DOC; 67KB; 2pp.)

**Subject:** Request by Santee Elementary School District for a renewal to waive portions of California *Education Code* sections 17455, 17466, 17472, and 17475 and all of 17473 and 17474, specific statutory provisions for the lease of surplus property. Approval of the waiver would allow the District to lease a piece of property using a “request for proposal process”, thereby maximizing the proceeds from the lease of the former Santee School site (now unused property, buildings on the site have been demolished).

**Waiver Number:** 64-12-2011

(Recommended for APPROVAL WITH CONDITIONS)

- **Item W-13 Attachment 1** (DOC; 30KB; 1p.)
- **Item W-13 Attachment 2** (DOC; 67KB; 3pp.)

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**Item W-14** (DOC; 76KB; 3pp.)

**Subject:** Request by three districts to waive one or more of the following California *Education Code* sections related to bonded indebtedness limits: Sections 15102, 15106, 15268, and 15270(a). Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for high school and elementary school districts or 2.5 percent for unified school districts. Depending on the type of bond, a tax rate levy limit of $30 per $100,000 of assessed value for high school and elementary school districts or $60 per $100,000 for unified districts, may also apply.

**Waiver Numbers:**

- Hawthorne School District 29-10-2011
- Folsom Cordova Unified School District 79-12-2011
- Folsom Cordova Unified School District 80-12-2011
- San Ysidro Elementary District 62-12-2011

(Recommended for APPROVAL WITH CONDITIONS)

- **Item W-14 Attachment 1** (XLS; 37KB; 1p.)
- **Item W-14 Attachment 2** (DOC; 172KB; 5pp.)
- **Item W-14 Attachment 3** (DOC; 96KB; 6pp.)
- **Item W-14 Attachment 4** (DOC; 100KB; 6pp.)
- **Item W-14 Attachment 5** (DOC; 105KB; 6pp.)

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**Item W-15** (DOC; 68KB; 2pp.)

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

**Waiver Number:** 7-12-2011
School District Reorganization (Elimination of Election Requirement)

**Item W-16** (DOC; 75KB; 3pp.)

**Subject:** Request by nine districts to waive California *Education Code* Section 5020 and portions of sections 5019, 5021, and 5030, that require a district-wide election to establish new trustee areas.

**Waiver Numbers:**

- Alta Vista Elementary 40-12-2011
- Armona Union Elementary 37-11-2011
- Escondido Union 25-12-2011
- Los Banos Unified 33-12-2011
- San Jacinto Unified 50-12-2011
- Selma Unified 77-12-2011
- Sundale Union Elementary 8-11-2011
- Turlock Unified 73-12-2011
- Woodland Joint Unified 42-12-2011

(Recommended for APPROVAL)

- **Item W-16 Attachment 1** (XLS; 37KB; 4pp.)
- **Item W-16 Attachment 2** (DOC; 40KB; 5pp.)
- **Item W-16 Attachment 3** (DOC; 93KB; 11pp.)
- **Item W-16 Attachment 4** (DOC; 82KB; 7pp.)
- **Item W-16 Attachment 5** (DOC; 81KB; 6pp.)
- **Item W-16 Attachment 6** (DOC; 91KB; 10pp.)
- **Item W-16 Attachment 7** (DOC; 94KB; 9pp.)
- **Item W-16 Attachment 8** (DOC; 92KB; 10pp.)
- **Item W-16 Attachment 9** (DOC; 92KB; 10pp.)
- **Item W-16 Attachment 10** (DOC; 94KB; 9pp.)
- **Item W-16 Attachment 11** (DOC; 109KB; 10pp.)

School District Reorganization (Elimination of Election Requirement)

**Item W-17** (DOC; 72KB; 3pp.)

**Subject:** Request by two districts to waive California *Education Code* Section 5020 and portions of sections 5019, 5021, and 5030, that require a district-wide election to establish new trustee areas.

**Waiver Numbers:**

- Livingston Union Elementary 9-12-2011
- Perris Union High 10-12-2011

(Recommended for APPROVAL)

- **Item W-17 Attachment 1** (XLS; 35KB; 1p.)
- **Item W-17 Attachment 2** (DOC; 40KB; 5pp.)
- **Item W-17 Attachment 3** (DOC; 86KB; 8pp.)
- **Item W-17 Attachment 4** (DOC; 88KB; 9pp.)

School District Reorganization (Lapsation of a Small District)

**Item W-18** (DOC; 85KB; 4pp.)
**Subject:** Request by Bend Elementary School District to waive California *Education Code* Section 35786 and portions of *Education Code* sections 35534, 35780, and 35782, regarding district lapsation and date of effectiveness of lapsation.

**Waiver Number:** 60-10-2011

(Recommended for APPROVAL)

- [Item W-18 Attachment 1](#)  (DOC; 69KB; 3pp.)

**School District Reorganization (Size of Governing Board)**

[Item W-19](#)  (DOC; 79KB; 3pp.)

**Subject:** Request by Sonoma County Office of Education to waive California *Education Code* Section1004 that requires an election to reduce the number of governing board members from seven to five.

**Waiver Number:** 1-12-2011

(Recommended for APPROVAL)

- [Item W-19 Attachment 1](#)  (DOC; 78KB; 3pp.)

**Schoolsite Council Statute (Shared Schoolsite Council)**

[Item W-20](#)  (DOC; 90KB; 5pp.)

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

**Waiver Numbers:**

- Big Lagoon Union Elementary 11-12-2011
- Caliente Union Elementary 35-11-2011
- Caruthers Unified 36-11-2011
- Fontana Unified 2-11-2011
- Fontana Unified 3-11-2011
- French Gulch-Whiskeytown Elementary 59-12-2011
- Happy Camp Union Elementary 57-12-2011
- Los Angeles County Office of Education 6-11-2011
- Maple Creek Elementary 74-12-2011
- Mountain Valley Unified 35-12-2011
- Mountain Valley Unified 36-12-2011
- Peninsula Union 75-12-2011
- San Diego County Office of Education 52-12-2011
- San Diego County Office of Education 53-12-2011
- San Diego County Office of Education 54-12-2011

(Recommended for APPROVAL WITH CONDITIONS)

- [Item W-20 Attachment 1](#)  (DOC; 77KB; 9pp.)
- [Item W-20 Attachment 2](#)  (DOC; 64KB; 2pp.)
- [Item W-20 Attachment 3](#)  (DOC; 64KB; 2pp.)
- [Item W-20 Attachment 4](#)  (DOC; 70KB; 3pp.)
- [Item W-20 Attachment 5](#)  (DOC; 71KB; 2pp.)
- [Item W-20 Attachment 6](#)  (DOC; 71KB; 2pp.)
- [Item W-20 Attachment 7](#)  (DOC; 66KB; 3pp.)
- [Item W-20 Attachment 8](#)  (DOC; 163KB; 2pp.)
- [Item W-20 Attachment 9](#)  (DOC; 129KB; 4pp.)
- [Item W-20 Attachment 10](#)  (DOC; 66KB; 2pp.)
- [Item W-20 Attachment 11](#)  (DOC; 74KB; 3pp.)
- [Item W-20 Attachment 12](#)  (DOC; 73KB; 3pp.)
- [Item W-20 Attachment 13](#)  (DOC; 68KB; 2pp.)
Special Education Program (Educational Interpreter for Deaf and Hard of Hearing)

Item W-21 (DOC; 72KB; 3pp.)

Subject: Request by two local educational agencies to waive California Code of Regulations, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow two educational interpreters to continue to provide services to students until June 30, 2012, under a remediation plan to complete those minimum qualifications.

Waiver Numbers:
- Kings County Office of Education 7-11-2011
- Imperial County Office of Education 34-12-2011

(Recommended for APPROVAL WITH CONDITIONS)

Item W-21 Attachment 1 (DOC; 40KB; 3pp.)
Item W-21 Attachment 2 (DOC; 33KB; 1p.)
Item W-21 Attachment 3 (DOC; 42KB; 1p.)
Item W-21 Attachment 4 (DOC; 75KB; 3pp.)
Item W-21 Attachment 5 (DOC; 81KB; 4pp.)

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

Item W-22 (DOC; 70KB; 3pp.)

Subject: Request by Kings County Office of Education to waive California Code of Regulations, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Amanda Edmondson to continue to provide services to students until June 30, 2012, under a remediation plan to complete those minimum qualifications.

Waiver Number: 9-11-2011

(Recommended for DENIAL)

Item W-22 Attachment 1 (DOC; 79KB; 3pp.)
Item W-22 Attachment 2 (DOC; 30KB; 1p.)
Item W-22 Attachment 3 (DOC; 74KB; 3pp.)

Other Waivers (COE Superintendent - Administrative Credential)

Item W-23 -- Waiver Withdrawn by the Santa Clara County Office of Education

Subject: Request by Santa Clara County Office of Education to waive Education Code sections 1206 and 1208, the requirement that a county superintendent must possess an administrative credential as a condition of holding the superintendent position.

Waiver Number: 46-12-2011

(Recommended for DENIAL)

Principal Evaluation and Assessment (Extend Timeline of Evaluation)

Item W-24 (DOC; 67KB; 3pp.)

Subject: Request by Westminster School District to waive California Education Code Section 44663(b) evaluation dates of June 30 and July 30 for non-instructional certificated employees so that Standardized Testing and Reporting test results for the year may be included in the evaluation criteria for those management employees.
Waiver Number: 63-12-2011
(Recommended for DENIAL)
- Item W-24 Attachment 1 (DOC; 70KB; 3pp.)

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

Item W-25 (DOC; 78KB; 3pp.)

**Subject:** Request by Stockton Unified School District to waive a portion of California Code of Regulations, Title 5, Section 1032(d)(5); the 85 percent requirement of test takers for the California Standards Test in Life Science in grade ten to allow Stockton Unified Early College Academy to be given a valid Growth Academic Performance Index for 2010–11.

Waiver Number: 59-10-2011
(Recommended for DENIAL)
- Item W-25 Attachment 1 (DOC; 35KB; 1p.)
- Item W-25 Attachment 2 (DOC; 74KB; 3pp.)

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

Item W-26 (DOC; 74KB; 3pp.)

**Subject:** Request by two districts, under the authority of California Education Code Section 41382, to waive portions of Education Code sections 41376 (a), (c), and (d) and/or 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers:
- Little Lake City School District 31-11-2011
- Oakley Elementary School District 86-12-2011
(Recommended for APPROVAL WITH CONDITIONS)
- Item W-26 Attachment 1 (XLS; 34KB; 1p.)
- Item W-26 Attachment 2 (DOC; 69KB; 4pp.)
- Item W-26 Attachment 3 (DOC; 78KB; 4pp.)

Class Size Penalties (Over Limit on Grades 4-8)

Item W-27 (DOC; 79KB; 3pp.)

**Subject:** Request by seven districts to waive portions of California Education Code Section 41376 (b) and (e), relating to class size penalties for grades four through eight. A district’s current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district’s 1964 average.

Waiver Numbers:
- Oakley Union Elementary 87-12-2011
- Napa Valley Unified 55-10-2011
- Nevada City Elementary 61-12-2011
- Newhall School 43-10-2011
- Merced City Elementary 66-12-2011
- Poway Unified 34-10-2011
- Temecula Valley Unified 41-10-2011
(Recommended for APPROVAL WITH CONDITIONS)
- Item W-27 Attachment 1 (XLS; 31KB; 1p.)
- Item W-27 Attachment 2 (DOC; 75KB; 5pp.)
Quality Education Investment Act (Class Size Reduction Requirements)

Item W-28 (DOC; 83KB; 4pp.)

Subject: Request by seven local educational agencies to waive portions of California Education Code Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

Waiver Numbers:

- Meadows Union Elementary 17-12-2011
- Meadows Union Elementary 18-12-2011
- Mendota Unified 38-11-2011
- Mt. Diablo Unified 88-12-2011
- Oxnard 13-12-2011
- Pittsburg Unified 58-12-2011
- Placentia-Yorba Linda Unified 4-11-2011
- Salinas City Elementary 69-12-2011
- Salinas City Elementary 70-12-2011
- Salinas City Elementary 72-12-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-28 Attachment 1 (DOC; 30KB; 1p.)
- Item W-28 Attachment 2 (DOC; 70KB; 3pp.)
- Item W-28 Attachment 3 (DOC; 29KB; 1p.)
- Item W-28 Attachment 4 (DOC; 70KB; 3pp.)
- Item W-28 Attachment 5 (DOC; 28KB; 1p.)
- Item W-28 Attachment 6 (DOC; 82KB; 3pp.)
- Item W-28 Attachment 7 (DOC; 30KB; 2pp.)
- Item W-28 Attachment 8 (DOC; 156KB; 11pp.)
- Item W-28 Attachment 9 (DOC; 29KB; 1p.)
- Item W-28 Attachment 10 (DOC; 113KB; 4pp.)
- Item W-28 Attachment 11 (DOC; 31KB; 2pp.)
- Item W-28 Attachment 12 (DOC; 85KB; 4pp.)
- Item W-28 Attachment 13 (DOC; 29KB; 1p.)
- Item W-28 Attachment 14 (DOC; 92KB; 3pp.)
- Item W-28 Attachment 15 (DOC; 31KB; 2pp.)
- Item W-28 Attachment 16 (DOC; 141KB; 7pp.)
- Item W-28 Attachment 17 (DOC; 31KB; 2pp.)
- Item W-28 Attachment 18 (DOC; 134KB; 7pp.)
- Item W-28 Attachment 19 (DOC; 32KB; 2pp.)
- Item W-28 Attachment 20 (DOC; 142KB; 7pp.)

Quality Education Investment Act (Teacher Experience Index)

Item W-29 (DOC; 76KB; 3pp.)

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

Waiver Numbers:

- Greenfield Union Elementary 76-12-2011
- Mountain Empire Unified 39-12-2011
- Salinas City Elementary 89-12-2011
Subject: Request by five local educational agencies to waive portions of California Education Code Section 52055.740(a)(5), regarding the Academic Performance Index under the Quality Education Investment Act.

Waiver Numbers:

- Greenfield Union Elementary 92-12-2011
- Marysville Joint Unified 15-12-2011
- Mountain Empire Unified 38-12-2011
- Oxnard 8-12-2011
- Oxnard 14-12-2011
- Stockton Unified 43-12-2011
- Stockton Unified 44-12-2011
- Stockton Unified 45-12-2011
- Stockton Unified 47-12-2011
- Stockton Unified 48-12-2011
**Item W-31** (DOC; 76KB; 3pp.)

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

**Waiver Number:** 55-12-2011

(Recommended for DENIAL)

- **Item W-31 Attachment 1** (DOC; 86KB; 3pp.)
- **Item W-31 Attachment 2** (DOC; 130KB; 6pp.)

*** END OF WAIVERS ***

**Item 18** (DOC; 88KB; 9pp.)

**Subject:** Standardized Testing and Reporting Program: Adoption of California Modified Assessment Performance Level Descriptors for English–Language Arts in Grades Ten and Eleven and Geometry.

**Type of Action:** Action, Information

**Item 19** (DOC; 74KB; 6pp.)

**Subject:** Standardized Testing and Reporting Program: Approval of 2012 School District Apportionment Amounts.

**Type of Action:** Action, Information

**Item 20** (DOC; 174KB; 7pp.)

**Subject:** Standardized Testing and Reporting Program: Approval of Standards-based Tests in Spanish Proposed Performance Standards Setting for Reading Language Arts in Grades Eight, Nine, Ten, Eleven, and Math, Algebra I and Geometry, and to Conduct the Regional Public Hearings.

**Type of Action:** Action, Information

**Item 21** (DOC; 2MB; 11pp.)

**Subject:** California High School Exit Examination Alternative Means: Approve Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations*, Title 5, Section 1216.1.

**Type of Action:** Action, Information

- **Item 21 Attachment 4** (PDF; 615KB; 4pp.)
  - Accessible Alternate Version (AAV) of Item 21 Attachment 4

**Item 22** (DOC; 2MB; 10pp.)

**Subject:** California High School Exit Examination Alternative Means: Approve the Finding of Emergency and Proposed Emergency Regulations for Amendments to the *California Code of Regulations*, Title 5, Section 1216.1.

**Type of Action:** Action, Information

- **Item 22 Attachment 4** (PDF; 615KB; 4pp.)
  - Accessible Alternate Version (AAV) of Item 22 Attachment 4

**Item 23** (DOC; 58KB; 2pp.)

**Subject:** Request by **San Diego Unified School District** regarding California *Education Code* sections 17515 through 17526, Joint Public/Private Occupancy Proposal, allowing the San Diego Unified School District and Peninsula Young Men’s Christian Association (YMCA) to enter into leases and agreements relating to real property and buildings to be used jointly by the District and the Peninsula YMCA.
**Type of Action:** Action, Information

- **Item 23** Attachment 1  (PDF; 202KB; 1p.)
- **Item 23** Attachment 2  (PDF; 6MB; 34pp.)

**Item 24** (DOC; 186KB; 10pp.)

**Subject:** California State Plan 1999–2012 for the Workforce Investment Act, Title II: Adult Education and Family Literacy Act: Extension and Update.

**Type of Action:** Action, Information

- **Item 24** Attachment 2  (PDF; 462KB; 2pp.)
  - Accessible Alternate Version (AAV) of Item 24 Attachment 2

**Item 25** (DOC; 392KB; 13pp.)

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

**Type of Action:** Action, Information

**Item 26** (DOC; 68KB; 3pp.)

**Subject:** Approval of 2011–12 Consolidated Applications.

**Type of Action:** Action, Information

**Item 27** (DOC; 129KB; 12pp.)

**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.

**Type of Action:** Action, Information

**Item 28** (DOC; 92KB; 5pp.)

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

**Type of Action:** Action, Information

*** ADJOURNMENT OF MEETING ***

For more information concerning this agenda, please contact the State Board of Education at 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone 916-319-0827; fax 916-319-0175. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. This agenda is posted on the State Board of Education's Web site [http://www.cde.ca.gov/be/ag/].

Questions: State Board of Education | 916-319-0827

Last Reviewed: Monday, February 27, 2012
SUMMARY OF THE ISSUE(S)

1. Election of State Board of Education Officers – President and Vice President

2. State Board of Education (SBE) Draft Preliminary Report of Actions/Minutes for the January 2012 Meeting

3. Board member liaison reports

4. State Board of Education: Goals and Priorities

RECOMMENDATION

The SBE staff recommends that the SBE:

1. Take up the election of officers (President and Vice President)

2. Approve the Preliminary Report of Actions/Minutes for the January 2012 Meeting (Attachment 3)

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.
SUMMARY OF KEY ISSUES

At the September 2011 meeting, the State Board discussed a draft State Board of Education’s Goals and Priorities document. This document has since been revised based on Board member comments during that meeting and input from the Executive Director (Attachment 4). Board members are requested to review the revised document and email any additional comments or suggestions to Board staff. A final version will be prepared for the May 2012 meeting, at which time the Board may vote to adopt the document. (There is no action on this item recommended at this time.)

FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable.

ATTACHMENT(S)

Attachment 1: Acronyms Chart (3 Pages)

Attachment 2: Bylaws for the California State Board of Education, amended July 9, 2003, may be viewed at the following link: http://www.cde.ca.gov/be/ag/ag/bylawsoct2002.asp.

Attachment 3: State Board of Education Draft Preliminary Report of Actions/Minutes for the January 2012 Meeting (23 Pages)

Attachment 4: State Board of Education: Goals and Priorities (1 Page)
<table>
<thead>
<tr>
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<td>Beginning Teacher Support and Assessment</td>
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<td>California High School Exit Examination</td>
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**ACRONYMS CHART**
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The State Board of Education posted on October 29, 2010.
Preliminary Report of Actions / Draft Minutes
January 11-12, 2012

Please note that the complete proceedings of the January 11-12, 2012, State Board of Education meeting, including closed-captioning, are available online at: http://www.cde.ca.gov/be/ag/ag/sbewebcastarchive.asp.

Members Present:
Michael W. Kirst, President
Trish Williams, Vice President
James Aschwanden
Yvonne Chan
Carl Cohn
James Ramos
Patricia A. Rucker
Ilene W. Straus

Members Absent:
James Aschwanden (1-12)
Aida Molina (1-11 and 1-12)
Caitlin Snell (1-11 and 1-12)

Secretary and Executive Officer
Tom Torlakson, State Superintendent of Public Instruction

Principal Staff
Sue Burr, Executive Director, State Board of Education (SBE)
Patricia de Cos, Deputy Executive Director, SBE
Judy Cias, Chief Counsel, SBE
Camille Esch, Principal Education Policy Consultant, SBE
Beth Rice, Education Programs Consultant, SBE
Jill Rice, Assistant Legal Counsel, SBE
Richard Zeiger, Chief Deputy Superintendent, California Department of Education (CDE)
Deb Sigman, Deputy Superintendent, CDE
Amy Holloway, General Counsel, CDE
Mary Prather, Education Administrator I, CDE
President Kirst called the meeting to order at approximately 8:30 a.m.

CLOSED SESSION

State Board President Kirst made the following report regarding the Board’s Closed Session:

The Board discussed Today’s Fresh Start, Inc. v. Los Angeles County Office of Education.

The Board took action to delegate authority to SBE legal counsel to file an amicus brief in the matter of California School Boards Association, et al. v. California State Board of Education and Aspire Public Schools, Inc.

Report of the Superintendent

State Superintendent of Public Instruction Tom Torlakson provided his report to the Board.

AGENDA ITEMS

President Kirst began the public hearing at 9:42 a.m.

*** PUBLIC HEARINGS ***

Item 1

Subject: Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Hold a Public Hearing to Consider Rocketship Charter School, San Francisco (RSSF), Which Was Denied by the San Francisco Unified School District Board of Education.

CDE Recommendation: The California Department of Education (CDE) recommended that the SBE hold a public hearing to deny the petition to establish the RSSF charter school under the oversight of the SBE based on the CDE’s finding pursuant to EC Section 47605(b)(2) that the petitioners are unlikely to successfully implement the program set forth in the petition.

ACCS Recommendation: The Advisory Commission on Charter Schools (ACCS) considered the RSSF petition at its November 30, 2011, meeting. By a
vote of six to one, the ACCS voted to recommend that the SBE approve the RSSF petition.

**ACTION:** Member Chan moved to approve the RSSF petition with the condition that the school incorporates the debt payment by the Rocketship charter management organization into their memorandum of understanding.

Member Cohn seconded the motion.

Yes votes: Members Aschwanden, Ramos, Chan, Cohn, Kirst, Williams, Straus, and Rucker.

No votes: None.

Absent: Members Molina and Snell.

The motion passed with 8 votes.

________________________________________

Member Rucker recused herself from discussion of this item.

President Kirst began the public hearing at 11:17 a.m. and closed the hearing at 11:30 a.m.

**Item 2**

**Subject:** Statewide Benefit Charter Schools: Hold a Public Hearing to Consider the Renewal of the High Tech High Statewide Benefit Charter (HTH).

**CDE Recommendation:** The CDE recommends that the State Board of Education (SBE) hold a public hearing to renew the HTH statewide benefit charter and then take the following actions:

1. Pursuant to EC Section 47605.8(b) and Title 5, *California Code of Regulations* (5 CCR) Section 11967.6(b), make or reaffirm, as appropriate, a finding that substantial evidence still exists to support the following findings:

   i. The ability of HTH to provide model public school facilities that are integral to the success of HTH’s programs and recognized for their environmental quality and cost-effective construction constitutes a statewide benefit in accordance with EC Section 47605.8(b) and 5 CCR Section 11967.6(b).

   ii. The ability of HTH to provide model public school facilities could not be provided by a series of local charters.
iii. The HTH teacher credential program, graduate school of education, and professional development program which develops highly qualified teachers with a focus on Science, Technology, Engineering and Mathematics (STEM) constitutes a statewide benefit in accordance with EC Section 47605.8(b) and 5 CCR Section 11967.6(b).

iv. The HTH benefit related teacher credential program, graduate school of education, and professional development program that develops highly qualified teachers with a focus on STEM could not be provided through a series of local charters.

2. Approve the HTH petition to renew its statewide benefit charter for a five-year period from July 1, 2012, to June 30, 2017, subject to both of the following:

i. HTH complies with the proposed conditions for the opening and operation of school sites as set forth in Attachment 1, as submitted by HTH in the renewal petition and accepted or amended by the SBE.

ii. The HTH statewide benefit petition is modified to incorporate the additions and changes proposed by the CDE, which included the technical revisions described in Attachment 2. None of these revisions were found to be substantive.

**ACTION:** Member Williams moved to approve High Tech High’s petition to renew its statewide benefit charter for a 5 year period from July 1, 2012 to June 30, 2017 and to find that substantial evidence exists to support the SBE’s findings in 2006 that High Tech High offers instructional services of a statewide benefit that cannot be provided through a series of local charters as outlined in the CDE’s recommendation on pages 3 and 4 of Agenda Item 2, and subject to the conditions that will be discussed in the next motion.

Member Ramos seconded the motion.

Yes votes: Members Aschwanden, Ramos, Chan, Cohn, Kirst, Williams, and Straus.

No votes: None.

Absent: Members Molina and Snell.

Recused: Member Rucker.

The motion passed with 7 votes.
**ACTION:** Member Williams moved that the High Tech High statewide benefit charter be subject to the **Proposed Conditions** specified in the document distributed today by High Tech High.

In addition, Member Williams moved that the petition be modified to reflect the technical revisions proposed by CDE in Attachment 2, with the exception of CDE’s proposal regarding #8 (Attachment 2, page 4), Admission Requirements. For the admission requirement, Member Williams recommended, upon advice from counsel, that SBE defer taking action at this time, preserving for now the status quo on the admission requirements previously approved by the SBE for High Tech High under their existing charter.

Member Chan seconded the motion.

Yes votes: Members Aschwanden, Ramos, Chan, Cohn, Kirst, Williams, Straus.

No votes: None.

Absent: Members Molina and Snell.

Recused: Member Rucker.

The motion passed with 7 votes.

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Member Rucker recused herself from the discussion and vote on this item.

President Kirst began the public hearing at 11:52 a.m. and closed the hearing at 12:08 p.m.

**Item 3**

**Subject:** Statewide Benefit Charter Schools: Consideration of Renewal of the Aspire Public Schools Statewide Benefit Charter (APS).

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

**CDE Recommendation:** The CDE recommends that the SBE hold a public hearing to renew the APS statewide benefit charter and then take the following actions:

1. Pursuant to EC Section 47605.8(b) and Title 5, *California Code of Regulations (5 CCR)* Section 11967.6(b), reaffirm that substantial evidence still exists to support the findings that were approved at the May 2011 SBE meeting. These findings are as follows:
i. The APS statewide benefit in terms of funding and its ability to get statewide bonds constitutes a statewide benefit in accordance with EC Section 47605.8 (b) and 5 CCR Section 11967.6 (b).

ii. The APS benefit in terms of funding could not be provided by a series of local charters.

iii. The APS benefit in terms of being able to expand its teacher residency program constitutes a statewide benefit in accordance with EC Section 47605.8 (b) and 5 CCR Section 11967.6 (b).

iv. The APS benefit related to the teacher residency program could not be provided through a series of local charters.

2. Approve the APS petition to renew its statewide benefit charter for a five-year period from July 1, 2012 to June 30, 2017, subject to both of the following:

i. The CDE’s recommendation for conditions to open and operate new schools, as set forth in Attachment 1A (APS submitted a proposed set of conditions set forth in Attachment 1B).

ii. The APS statewide benefit petition is modified to incorporate the additions and changes proposed by the CDE, which included the technical revisions described in Attachment 2. None of these revisions were found to be substantive.

**ACTION:** Member Williams moved to approve Aspire’s petition to renew its statewide benefit charter for a 5 year period from July 1, 2012 to June 30, 2017 and to reaffirm that substantial evidence exists to support the SBE’s May 2011 findings that Aspire offers instructional services of a statewide benefit as outlined in the CDE’s recommendation on page 4 of the agenda item #1, subject to the conditions that will be discussed in the next motion.

Member Chan seconded the motion.

Yes votes: Members Ramos, Chan, Cohn, Kirst, Williams, Straus.

No votes: Aschwanden.

Absent: Members Molina and Snell.

Recused: Member Rucker.

The motion passed with 6 votes.
**ACTION:** Member Williams moved that the Aspire statewide benefit charter be subject to the Proposed Conditions specified in the document distributed today by Aspire.

In addition, Member Williams moved that the petition be modified to reflect the technical revisions proposed by CDE in Attachment 2, with the exception of CDE’s proposal regarding #8 (Attachment 2, page 4) Admission Requirements. For the admission requirement, Member Williams recommended, on advice from counsel, that the SBE defer taking action at this time. This preserves for now the status quo on the admission requirements previously approved by the SBE for Aspire under their existing charter.

Member Ramos seconded the motion.

Yes votes: Members Aschwanden, Ramos, Chan, Cohn, Kirst, Williams, Straus.

No votes: None.

Absent: Members Molina and Snell.

Recused: Member Rucker.

The motion passed with 6 votes.

*** END PUBLIC HEARINGS ***

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**Item 4**

**Subject:** Elementary and Secondary Education Act: Discussion Regarding the Waiver of Selected Provisions of the No Child Left Behind Act of 2001 to Implement a Specific Statewide Accountability System for All California Local Educational Agencies in Advance of Elementary and Secondary Education Act Reauthorization.

**CDE Recommendation:** The California Department of Education (CDE) recommends that SBE engage in a discussion of waiver requirements and possible next steps.

**ACTION:** No action taken.

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**Item 8**

**Note:** This item was taken out of order and was also continued on the second day of the meeting, January 12.
Subject: State Board Projects and Priorities: Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board office budget, staffing, appointments, and direction to staff; declaratory and commendatory resolutions; bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest.

CDE Recommendation: No recommendation.

ACTION: No action taken.

This item was continued on January 12, 2012.

Item 5
Subject: Update on Issues Related to California’s Implementation of the Elementary and Secondary Education Act and Other Federal Programs Including, but Not Limited to, the School Improvement Grant Approval of Funding of Local Educational Agencies and Schools for the 2012–13 School Improvement Grant Sub-Grants Under Section 1003(g) and Authorization to Approve California’s FY 2011 Continuation Awards Only School Improvement Grant Application.

CDE Recommendation: The CDE recommends that the State Board of Education (SBE):

- Approve funding for the recommended list of LEAs and schools that have applied for SIG sub-grants provided under Section 1003(g) of the ESEA for the 2012–13 SY based upon submitting an approvable application.

- Authorize the SBE President or designated liaison, along with the State Superintendent of Public Instruction, to approve California’s FY 2011 Continuation Awards Only SIG application to the ED.

ACTION: Member Aschwanden moved to approve CDE’s first recommendation to approve funding for the recommended list of LEAs and schools listed in Attachment 1 to the agenda item. (No action was taken on CDE’s second recommendation regarding approval of California’s Continuation Awards.)

Member Rucker seconded the motion.

Yes votes: Members Aschwanden, Ramos, Chan, Cohn, Kirst, Williams, Straus, and Rucker.
No votes: None.

Absent: Members Molina and Snell.

The motion passed with 8 votes.

***WAIVERS ON CONSENT***

**Item W1**
**Subject:** Request by two 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:**
Mariposa County Office of Education 11-10-2011
Plumas County Office of Education 17-10-2011
(Recommended for APPROVAL)

**Item W2**
**Subject:** Request by two local educational agencies to waive the State Testing Apportionment Information Report deadline of December 31 in the California Code of Regulations, Title 5, Section 11517.5(b)(1)(A) regarding the California English Language Development Test.
**Waiver Numbers:**
Soquel Union Elementary 5-8-2011
Ocean View School District 21-9-2011
(Recommended for APPROVAL)

**Item W3**
**Subject:** Request under the authority of California Education Code Section 33050 for the Sacramento City Unified School District to waive Education Code Section 48661 relating to the co-location of a community day school with other types of schools; and, for the Tehama County Department of Education to waive portions of Education Code sections 48660 and 48916.1(d) relating to the allowable grade spans for community day schools.
**Waiver Numbers:**
Sacramento City Unified School District 9-10-2011
Tehama County Department of Education19-10-2011
(Recommended for APPROVAL)

**Item W4**
**Subject:** Request by 14 districts, under the authority of California Education Code Section 5020 and portions of sections 5019, 5021, and 5030, that require a district-wide election to establish new trustee areas.
**Waiver Numbers:**
Burton Elementary 13-10-2011
Clay Joint Elementary 35-10-2011
Firebaugh-Las Deltas Joint Unified 6-10-2011
Kings River Elementary 46-10-2011
Kingsburg Elementary Charter 50-10-2011
Kingsburg Joint Union High 51-10-2011
Kit Carson Union Elementary 58-10-2011
Lakeside Union Elementary 57-10-2011
Lindsay Unified 31-10-2011
Porterville Unified 44-10-2011
Strathmore Union Elementary 30-10-2011
Tulare City 35-9-2011
Tulare Joint Union High 7-10-2011
Vista Unified 49-10-2011

(Recommended for APPROVAL)

Item W7
Subject: Request by Calexico Unified School District under the authority of California Education Code Section 46206(a) to waive Education Code Section 46200(c) audit penalty for offering fewer instructional days in the 2009-10 fiscal year and Education Code Section 46201(d) for offering fewer instructional minutes.
Waiver Number: 20-6-2011
(Recommended for APPROVAL WITH CONDITIONS)

Item W8
Subject: Request by New Jerusalem Elementary School District for Delta Charter School to waive California Code of Regulations, Title 5, Section 11960(a), to allow the charter school attendance to be calculated as if it were a regular multi-track school.
Waiver Number: 19-9-2011
(Recommended for APPROVAL WITH CONDITIONS)

Item W9
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:
   Banning Unified 22-10-2011
   Glendale Unified 3-8-2011
   Golden Valley Unified 22-8-2011
   Gustine Unified 32-6-2011
   Igo-Ono-Platina Union Elementary 1-10-2011
   Kernville Union Elementary 18-10-2011
   Lewiston Elementary 2-10-2011
   River Delta Joint Unified 23-9-2011
Item W10
Subject: Request by two local educational agencies to waive California Education Code Section 51224.5(b), the requirement that all students graduating in the 2010–11 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation, for two special education students based on Education Code Section 56101, the special education waiver authority.
Waiver Numbers:
   El Dorado Union High School District 5-10-2011
   Natomas Unified School District 40-10-2011
(Recommended for APPROVAL WITH CONDITIONS)

Item W11
Subject: Request by two local educational agencies to waive California Code of Regulations, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow two educational interpreters to continue to provide services to students until June 30, 2012, under a remediation plan to complete those minimum qualifications.
Waiver Numbers:
   San Joaquin County Office of Education 4-10-2011
   Imperial County Office of Education 33-10-2011
(Recommended for APPROVAL WITH CONDITIONS)

Item W12
Subject: Request by Fairfax Elementary School District to waive California Code of Regulations, Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance of four hours each for an extended school year (summer school) for special education students.
Waiver Number: 25-9-2011
(Recommended for APPROVAL WITH CONDITIONS)

Item W14
Subject: Request by two districts, 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 district’s resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum).
Waiver Numbers:
   Salida Union Elementary 16-7-2011
   Pioneer Union Elementary 24-9-2011
(Recommended for APPROVAL WITH CONDITIONS)
Item W15

Subject: Request by Butte Valley 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 to Oregon to attend curricular and extra-curricular trips/events and competitions.

Waiver Number: 3-10-2011
(Recommended for APPROVAL WITH CONDITIONS)

ACTION: Member Aschwanden moved to approve CDE’s recommendations, with conditions as applicable, on Waiver Items W-1 through W-4, W-7 through W-12, W-14, and W-15.

Member Cohn seconded the motion.

Yes votes: Members Aschwanden, Ramos, Chan, Cohn, Kirst, Williams, Straus, and Rucker.

No votes: None.

Absent: Members Molina and Snell.

The motion passed with 8 votes.

*** WAIVERS ON CONSENT ***
(continued)

Member Rucker recused herself from discussion of the following waivers on consent.

Item W5:

Subject: Request by two districts, under the authority of California Education Code Section 41382, to waive portions of Education Code sections 41376 (a), (c), and (d) and/or 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers:
Los Banos Unified 21-10-2011
Wasco Union Elementary 10-10-2011
(Recommended for APPROVAL WITH CONDITIONS)
Item W6:
Subject: Request by two districts to waive portions of California Education Code Section 41376 (b) and (e), relating to class size penalties for grades four through eight. A district’s current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district’s 1964 average.
Waiver Numbers:
- Los Banos Unified District 20-10-2011
- Tulare City School District 23-10-2011
(Recommended for APPROVAL WITH CONDITIONS)

Item W16:
Subject: Request by seven local educational agencies to waive portions of California Education Code Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.
Waiver Numbers:
- Compton Unified 25-10-2011
- Compton Unified 26-10-2011
- El Monte City 32-10-2011
- Lennox 15-9-2011
- Lennox 16-9-2011
- Mountain Empire Unified 4-12-2010
- River Delta Joint Unified 15-10-2011
- Santa Ana Unified 16-11-2011
- Santa Ana Unified 17-11-2011
- Santa Ana Unified 18-11-2011
- Santa Ana Unified 19-11-2011
- Santa Ana Unified 20-11-2011
- Santa Ana Unified 21-11-2011
- Santa Ana Unified 22-11-2011
- Santa Ana Unified 23-11-2011
- Santa Ana Unified 24-11-2011
- Santa Paula Elementary 24-10-2011
(Recommended for APPROVAL WITH CONDITIONS)

Item W17:
Subject: Request by two local educational agencies to waive portions of California Education Code Section 52055.740(a), regarding the Teacher Experience Index under the Quality Education Investment Act.
Waiver Numbers:
- South Bay Union Elementary 27-10-2011
- Taft City 27-8-2011
(Recommended for APPROVAL WITH CONDITIONS)

Item W18:
Subject: Request by four local educational agencies to waive portions of California Education Code Section 52055.740(a), regarding Highly Qualified
Teachers and/or the Williams case settlement requirements under the Quality Education Investment Act.

**Waiver Numbers:**
- Dinuba Unified 14-9-2011
- Lodi Unified 8-10-2011
- Long Beach Unified 42-10-2011
- Taft City 45-10-2011

(Recommended for APPROVAL WITH CONDITIONS)

**W21:**

**Subject:** Request by Chula Vista Elementary School District local educational agency to waive portions of California *Education Code* Section 52055.740(a), regarding Teacher Experience Index under the Quality Education Investment Act.

**Waiver Number:** Chula Vista Elementary 22-4-2011

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** Member Straus moved to approve the CDE’s recommendations, with conditions as applicable, on Waiver Items W-5, W-6, W-16 through W-18, W-21.

Member Cohn seconded the motion.

Yes votes: Members Aschwanden, Ramos, Chan, Cohn, Kirst, Williams, and Straus.

No votes: None.

Absent: Members Molina and Snell.

Recused: Member Rucker.

The motion passed with 7 votes.

*** END OF WAIVERS ON CONSENT ***

*** WAIVERS NOT ON CONSENT ***

Please note that several waiver items were taken out of order to accommodate out-of-town speakers. The order below reflects the order in which the Board heard the items.

Member Rucker recused herself from discussion of this item.
QUALITY EDUCATION INVESTMENT ACT (API Growth Target)

Item W-19

Subject: Request by five local educational agencies to waive portions of California Education Code Section 52055.740(a)(5), regarding the Academic Performance Index under the Quality Education Investment Act.

Waiver Numbers: Farmersville Unified 12-10-2011
Needles Unified 14-10-2011
Santa Ana Unified 25-11-2011
Vallejo City Unified 47-10-2011
Vallejo City Unified 48-10-2011
Wasco Union Elementary 16-10-2011

(Recommended for DENIAL)

ACTION: Member Cohn moved to deny the five waiver requests, consistent with CDE’s recommendation.

Member Chan seconded the motion.

Yes votes: Members Aschwanden, Ramos, Chan, Cohn, Kirst, Williams, and Straus.

No votes: None.

Absent: Members Molina and Snell.

Recused: Member Rucker.

The motion passed with 7 votes.

Member Rucker recused herself from discussion of this item.

QUALITY EDUCATION INVESTMENT ACT (Class Size Reduction Requirements)

Item W-20

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

Waiver Numbers: Santa Ana Unified 26-11-2011
Santa Ana Unified 27-11-2011
Santa Ana Unified 28-11-2011
Santa Ana Unified 29-11-2011
Santa Ana Unified 30-11-2011

(Recommended for DENIAL)
ACTION: Member Aschwanden moved to deny the five waiver requests, consistent with CDE’s recommendation.

Member Ramos seconded the motion.

Yes votes: Aschwanden, Ramos, Cohn, Kirst

Motion failed.

Absent: Members Molina and Snell.

Recused: Member Rucker.

ACTION: Member Chan moved to approve the five waiver requests, with a maximum of 27.

Member Cohn seconded the motion.

Yes votes: Aschwanden, Williams, Straus

Motion Failed.

Absent: Members Molina and Snell.

Recused: Member Rucker.

Item 6

CDE Recommendations:

Supplemental Educational Services Providers Approval
Recommendation 1:

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve additional SES providers for a two-year period beginning July 1, 2011, through June 30, 2013. The additional applicants were not recommended for approval originally, but have since appealed that decision. The list of the additional approved providers is provided as Attachment 2.
Supplemental Educational Services Provider Removal for Failure to Submit 2010–11 Accountability Report

Recommendation 2:

The CDE also recommends that the SBE remove SES providers from the approved 2009–11, 2010–12, and/or the 2011–13 lists who failed to submit the required 2010–11 SES Accountability Report, pursuant to the California Code of Regulations, Title 5 (5 CCR) Section 13075.4(a). 5 CCR Sections 13075.4(a) and 13075.5(d)(1), (2) and (3)(H) are provided as Attachment 3. The list of providers recommended for removal is provided as Attachment 4.

**ACTION:** Member Rucker moved to approve CDE’s recommendations.

Member Cohn seconded the motion.

Yes votes: Members Aschwanden, Ramos, Chan, Cohn, Kirst, Williams, Straus, and Rucker.

No votes: None.

Absent: Members Molina and Snell.

The motion passed with 8 votes.

President Kirst adjourned the day’s meeting at approximately 6:10 p.m.

*** ADJOURNMENT OF DAY’S SESSION ***
President Kirst called the meeting to order at 8:38 a.m.

*** REGULAR CONSENT ITEMS ***

Item 14
Subject: Inclusion of Alternative Education Program Accountability Results in the Academic Performance Index – Approve Commencement of a 15-day Public Comment Period for Proposed Amendments to the California Code of Regulations, Title 5, Sections 1039.2 and 1039.3.
Type of Action: Action, Information

Item 16
Subject: Elementary and Secondary Education Act: Approval of Local Educational Agency Plans, Title I, Section 1112.
Type of Action: Action, Information

CDE Recommendation: The CDE recommends that the SBE approve nine direct-funded charter school LEA Plans listed in Attachment 1.

Item 17
Subject: Approval of 2011–12 Consolidated Applications.
Type of Action: Action, Information

CDE Recommendation: The CDE recommends that the SBE approve the 2011–12 ConApps submitted by LEAs in Attachment 1.

Item 18
Subject: Assignment of Numbers for Charter School Petitions.
Type of Action: Action, Information

CDE Recommendation: The CDE recommends that the SBE assign charter numbers to the charter schools identified on the attached list.

ACTION: Member Cohn moved to approve CDE’s recommendations on Item 14, and Items 16 through 18.

Member Rucker seconded the motion.

Yes votes: Members Chan, Cohn, Kirst, Williams, Straus, and Rucker.

No votes: None.
Absent: Members Aschwanden, Molina, Ramos, and Snell.

The motion passed with 6 votes.

*** END OF REGULAR CONSENT ITEMS ***

Item 7
Subject: Approve the Annual State Performance Plan and Performance Report for Part B of the Individuals with Disabilities Education Act Covering Program Year 2010–11.

CDE Recommendation: The CDE recommends that the SBE approve the Annual State Performance Plan and Performance Report for Part B of the Individuals with Disabilities Education Act Covering Program Year 2010–11.

ACTION: Member Chan moved to approve the report, as recommended by CDE.

Member Cohn seconded the motion.

Yes votes: Members Ramos, Chan, Cohn, Kirst, Williams, Straus, and Rucker.

No votes: None.

Absent: Members Aschwanden, Molina, and Snell.

The motion passed with 7 votes.

Item 8
This item was continued from January 11, 2012.

Subject: STATE BOARD PROJECTS AND PRIORITIES.
Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board office budget, staffing, appointments, and direction to staff; declaratory and commendiatory resolutions; bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest.

SBE Recommendation: The SBE staff recommends that the SBE approve:
- The Preliminary Report of Actions/Minutes for the November 2011 Meeting (Attachment 3), and
• The SBE Screening Committee’s recommendations for appointments to the Child Nutrition Advisory Council, which will be provided as an Item Addendum.

ACTION: Member Straus moved to approve the Preliminary Report of Actions/Minutes for the November 2011 SBE minutes.

Member Cohn seconded the motion.

Yes votes: Members Ramos, Chan, Cohn, Kirst, Williams, Straus, and Rucker.

No votes: None.

Absent: Members Aschwanden, Molina, and Snell.

The motion passed with 7 votes.

ACTION: Member Straus moved to approve the appointment of the following members to the CNAC as recommended by the screening committee:

1. Caroline Danielson, El Cerrito, to the public member position, for a term of three years.
2. Lawrence Herrera, La Habra, to the school administrator position, for a term of two years.
3. Marni Posey, Martinez, to the school food services director position, for a term of 3 years.
4. Lucy McProud, San Jose, to the qualified consultant position, for a term of two years.
5. Clell Hoffman, Oakland, to the child care food programs sponsor position, for a term of three years.
6. Soo Park, Oakland, to the food services manager position, for a term of three years.
7. Nori Grossman, Alameda, to nutrition education specialist position, for a term of three years.
8. Barbara Rohrer, Valley Center, to the local school board member position, for a term of two years.
9. Trish Vance, Marina Del Rey, to the curriculum coordinator position, for a term of two years.
10. Colleen You, Belmont, to the representative from a locally recognized parent teacher organization, for a term of three years.

Member Rucker seconded the motion.

Yes votes: Members Ramos, Chan, Cohn, Kirst, Williams, Straus, and Rucker.

No votes: None.
Absent: Members Aschwanden, Molina, and Snell.

The motion passed with 7 votes.

SPECIAL EDUCATION PROGRAM (Child Specific/ NPA or NPS Certification)

**Item W-13**

**Subject:** Request by two county offices of education (COE) to waive *Education Code (EC)* Section 56366.1(a), the requirement for state certification to allow an uncertified nonpublic school/residential treatment facility to provide services to one or more special education student(s).

**Waiver Numbers:** Napa County Office of Education 1-9-2011 and 2-9-2011

(Recommended for DENIAL)

SPECIAL EDUCATION PROGRAM (Resource Specialist)

**WAIVER WITHDRAWN BY COUNTY OFFICE(s) OF EDUCATION**

**Item 9**

**Subject:** Update on the Activities of the California Department of Education and State Board of Education Regarding Implementation of Common Core State Standards Systems.

**CDE Recommendation:** The California Department of Education (CDE) recommends that the SBE take action as deemed necessary and appropriate but recommends no specific action at this time.

**ACTION:** No action taken.

**Item 10**

**Subject:** Supplemental Instructional Materials Review Aligned to the Common Core State Standards: Evaluation Criteria.

**CDE Recommendation:** The CDE recommends that the SBE approve the criteria for the evaluation of supplemental instructional materials.

**Action:** Member Chan moved to adopt staff recommendation.

Member Cohn seconded the motion.

Yes votes: Members Ramos, Chan, Cohn, Kirst, Williams, Straus, and Rucker.
No votes: None.

Absent: Members Aschwanden, Molina, and Snell.

The motion passed with 7 votes.

Item 11
Subject: Mathematics Framework for California Public Schools: Kindergarten Through Grade Twelve, 2013 Revision: Approval of the Timeline and Curriculum Framework and Evaluation Criteria Committee Application Form. The future activities of Instructional Quality Commission will also be discussed.

Recommendation: The California Department of Education (CDE) recommends that the SBE approve the timeline and CFCC application form for the 2013 revision of the Mathematics Framework.

ACTION: Member Straus moved to approve staff recommendation for the timeline and application for the evaluation of supplemental instructional materials.

Motion was seconded by member Rucker.

Yes votes: Members Ramos, Chan, Cohn, Kirst, Williams, Straus, and Rucker.

No votes: None.

Absent: Members Aschwanden, Molina, and Snell.

The motion passed with 7 votes.

Item 12
Subject: Reauthorization of the Statewide Pupil Assessment System: Development of the State Superintendent of Public Instruction Recommendations.

CDE Recommendation: The California Department of Education (CDE) recommends that the SBE engage in discussion and activities regarding the reauthorization of the statewide pupil assessment system.

ACTION: No action taken.
Item 13

CDE Recommendation: The CDE recommends that the SBE approve three amendments to California’s Accountability Workbook. These amendments would impact the 2012 Adequate Yearly Progress (AYP) determinations.

ACTION: Member Chan moved to adopt staff recommendation.

Member Straus seconded the motion.

Yes votes: Members Ramos, Chan, Cohn, Kirst, Williams, Straus, and Rucker.

No votes: None.

Absent: Members Aschwanden, Molina, and Snell.

The motion passed with 7 votes.

Item 15
Subject: 2012 United States Senate Youth Program Presentation.

CDE Recommendation: That the State Board of Education (SBE) President and the SSPI present the 2012 USSYP awards to the 2012 delegates and alternates.

ACTION: No action taken.

Item 19
Subject: PUBLIC COMMENT.
Public Comment is invited on any matter not included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.

Recommendation: Listen to public comment on matters not included on the agenda.

ACTION: No action taken.

President Kirst adjourned the meeting at approximately 2:00 p.m.

*** ADJOURNMENT OF MEETING ***
State Board of Education
Goals and Priorities

The State Board of Education (SBE) has a defined set of responsibilities, established in state statute and in the state’s Constitution. These include:

- Adopting rules and regulations for the governance of the state’s public schools;
- Adopting academic content standards, curriculum frameworks, and instructional materials;
- Adopting assessment and accountability policies;
- Considering requests from local education agencies to waive statutory and regulatory requirements;
- Acting on petitions to unify or reorganize school districts;
- Authorizing charter schools and handling appeals related to charter schools; and
- Acting as the designated State Education Agency (SEA) for federally funded education programs, with the responsibility for overseeing compliance with federal law and in some cases, allocating federal funding.

To carry out these duties, the SBE has adopted the following priorities that will guide the current and future work of the SBE:

1) Develop a comprehensive plan for bringing the state’s curriculum frameworks, instructional materials, professional development efforts, assessments, and accountability policies into alignment with the Common Core Standards.

2) Support and strengthen the teacher and school administrator workforce; ensure that professional development efforts are aligned to the Common Core Standards.

3) Grant appropriate flexibility to local schools and districts to help them meet the needs of their particular communities and make most effective use of limited financial resources.

4) Strengthen coordination between K-12 and post-secondary education; make policy decisions that aim to improve students’ readiness for career, college, and civic participation.

5) Support innovation paired with accountability for improved student outcomes.

6) Promote the best uses of technology, with the goals of improving student outcomes and increasing efficiency.
CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2012 AGENDA

SUBJECT
Instructional Quality Commission: Appointment of New Members.

Action
Information
Public Hearing

SUMMARY OF THE ISSUE(S)

Assembly Bill 250 (Chapter 608, Statutes of 2011) replaced the Curriculum Development and Supplemental Materials Commission with the Instructional Quality Commission (IQC). The duties of the IQC are more comprehensive, as the body is authorized to advise and recommend action, to the State Board of Education (SBE) on all policies necessary to implement the State’s academic content standards, and bring the State’s curriculum frameworks, instructional materials, professional development programs, pupil assessments, and academic accountability systems into alignment with those standards. The SBE plans to seek the advice and recommendations of the IQC on all matters related to the implementation of California Common Core State Standards.

An invitation for applications for the IQC was circulated electronically and posted on the SBE IQC Web page at www.cde.ca.gov/be/cc/cd on November 18, 2011. On January 6, 2012, the deadline to submit an application was extended to January 25, 2012, for a total posting time of 69 days. The SBE received 120 applications by the deadline of January 25, 2012, and 8 applications between January 26 and February 1, 2012. All 128 applications were considered.

Members of the SBE Screening Committee (consisting of Members Cohn, Molina, and Straus) met on February 21, 2012 and again on March 6, 2012. The purpose of these meetings was to recommend 13 candidates to the SBE for appointment to the IQC. A brief description of the process used by the SBE Screening Committee to develop its recommendations follows.

Member Straus, Chair of the SBE Screening Committee, appointed a SBE Paper Screening Committee, consisting of herself and staff from both the CDE and the SBE. The SBE Paper Screening Committee met on February 3, 2012, to screen candidate applications for completeness, potential conflicts of interest, and applicants’ qualifications and recommended 51 candidates for consideration by a second round of paper screening. Once again Member Straus appointed a SBE Paper Screening Committee, consisting of herself, member Aidan Molina, and staff from both the CDE and the SBE.
SUMMARY OF THE ISSUE(S) (Cont.)

This SBE Paper Screening Committee met on February 13, 2012, to further screen candidates by looking at their particular areas of expertise and experience. The committee recommended 30 candidates for phone interviews with the SBE Screening Committee.

On February 21, 2012, the Screening Committee met and conducted phone interviews with all 30 applicants recommended by the Paper Screening Committee. From these interviews the Screening Committee recommended the appointment of 13 candidates for appointment to the IQC. Following this meeting one recommended appointment was not able to accept the recommended appointment. Accordingly, the Screening Committee will meet on March 6, 2012 to choose a candidate to recommend for appointment to the IQC.

The SBE is responsible for filling 13 seats; however, one previous Curriculum Commissioner’s term expires on December 31, 2012; therefore, he will continue to serve the remainder of his term on the IQC.

RECOMMENDATION

The SBE Screening Committee recommends the appointment of 13 candidates. The names of these candidates will be provided as Attachment 1 in an Item Addendum.

BRIEF HISTORY OF KEY ISSUES

Since July 28, 2009 (Chapter 2, Statutes of 2009 [ABX4 2]), the work of the Curriculum Commission had been temporarily suspended. On October 8, 2011, the Governor signed AB 250 which renamed the Curriculum Development and Supplemental Materials Commission to the IQC and restarted its work. The IQC will begin meeting again in May 2012.

As a result of the temporarily-suspended work of the Curriculum Commission, the SBE did not fill the four Commission member vacancies in 2009, the four in 2010, or the four in 2011

The IQC consists of 18 members, as defined in EC Section 33530 and 33532(b), 13 of whom are appointed by the SBE. Individuals appointed to the Commission will serve staggering terms of up to but no more than four years commencing in March 2012. At any one time, at least 7 of the members must be current classroom teachers, or mentor teachers, or both, who are assigned to teach in grades kindergarten through twelve. All appointments should be broadly representative of various ethnic groups and types of school districts in California.
BRIEF HISTORY OF KEY ISSUES (Cont.)

AB 250 redefined the responsibilities of the IQC in modifying EC Section 60204 to include:

(a) Recommend curriculum frameworks to the state board.
(b) Develop criteria for evaluating instructional materials submitted for adoption so that the materials adopted shall adequately cover the subjects in the indicated grade or grades and comply with the provisions of Article 3 (commencing with Section 60040) of Chapter 1. The criteria developed by the commission shall be consistent with the duties of the state board pursuant to Section 60200. The criteria shall be public information and shall be provided in written or printed form to any person requesting that information.
(1) The criteria for English language arts instructional materials shall include directions to publishers to align both lessons and teacher's editions, as appropriate, with English language development standards and incorporate strategies to address, at every grade level, the needs of all English learners. The criteria for other subject areas shall include directions to publishers to incorporate strategies for English learners that are consistent with the English language development standards.
(2) The criteria also shall include directions to publishers to incorporate instructional strategies to address the needs of pupils with disabilities in both lessons and teacher's editions, as appropriate, at every grade level and subject.
(c) Study and evaluate instructional materials submitted for adoption.
(d) Recommend instructional materials for adoption to the state board.
(e) Recommend to the state board policies and activities to assist the department and school districts in the use of the curriculum framework and other available model curriculum materials for the purpose of guiding and strengthening the quality of instruction in the public schools.
(f) Advise and make recommendations to the state board, including, but not limited to, what policies and activities are needed to implement the state's academic content standards, and bring the state's curriculum frameworks, instructional materials, professional development programs, pupil assessments, and academic accountability systems into alignment with those standards.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In March 2009, the SBE appointed Will Parish, science teacher at Gateway High School, a charter school in the San Francisco Unified School District, to the Curriculum Commission.
FISCAL ANALYSIS (AS APPROPRIATE)

Members of the IQC serve without compensation except for reimbursement of authorized travel costs in attending IQC meetings and participating in other IQC activities.

ATTACHMENT(S)

Attachment 1: Recommended Candidates for Appointment to the Instructional Quality Commission. This will be provided as an Item Addendum.

Attachment 2: 2012 Instructional Quality Commission Membership (1 Page)

Attachment 3: Instructional Quality Commission PowerPoint (28 Pages)
### 2012 Instructional Quality Commission Membership

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**Key:**

- **GR**: E (Elementary School)
- **M**: Middle School
- **H**: High School

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Instructional Quality Commission
What is the Instructional Quality Commission?

The Instructional Quality Commission, formerly the Curriculum Development and Supplemental Materials Commission, is an advisory body to the State Board of Education (SBE), established in 1927.

The SBE has constitutional authority and statutory mandate to adopt curriculum frameworks for kindergarten through grade twelve and instructional materials in kindergarten through grade eight (Article IX, Section 7.5).
What is the role of the Instructional Quality Commission?

The primary role of the Instructional Quality Commission is to advise the SBE on matters related to curriculum and instruction.
Assembly Bill 250 redefined the responsibilities of the Instructional Quality Commission in modifying EC Section 60204 to include:

(a) Recommend curriculum frameworks to the state board.

(b) Develop criteria for evaluating instructional materials submitted for adoption so that the materials adopted shall adequately cover the subjects in the indicated grade or grades and comply with the provisions of Article 3 (commencing with Section 60040) of Chapter 1. The criteria developed by the commission shall be consistent with the duties of the state board pursuant to Section 60200. The criteria shall be public information and shall be provided in written or printed form to any person requesting that information.

(1) The criteria for English language arts instructional materials shall include directions to publishers to align both lessons and teacher's editions, as appropriate, with English language development standards and incorporate strategies to address, at every grade level, the needs of all English learners. The criteria for other subject areas shall include directions to publishers to incorporate strategies for English learners that are consistent with the English language development standards.
(2) The criteria also shall include directions to publishers to incorporate instructional strategies to address the needs of pupils with disabilities in both lessons and teacher's editions, as appropriate, at every grade level and subject.

(c) Study and evaluate instructional materials submitted for adoption.

(d) Recommend instructional materials for adoption to the state board.

(e) Recommend to the state board policies and activities to assist the department and school districts in the use of the curriculum framework and other available model curriculum materials for the purpose of guiding and strengthening the quality of instruction in the public schools.

(f) Advise and make recommendations to the state board, including, but not limited to, what policies and activities are needed to implement the state's academic content standards, and bring the state's curriculum frameworks, instructional materials, professional development programs, pupil assessments, and academic accountability systems into alignment with those standards.
Commission Membership

The Instructional Quality Commission consists of 18 members as defined in *Education Code Section 33530* (amended 1989):

- 13 members appointed by the SBE (at least 7 must be classroom teachers or mentor teachers at the time of appointment)
- 1 member appointed by the Governor
- 1 member appointed by the Speaker of the Assembly
- 1 member appointed by the Senate Rules Committee
- 1 State Senator
- 1 State Assembly Member
Instructional Quality Commission

- Follows the Bagley-Keene Open Meeting Act
- Has procedures for developing Curriculum Frameworks and recommending Instructional Materials that are in the Title 5 Regulations
- Has its own Bylaws for internal governance
- Uses Roberts Rules of Order
What are Curriculum Frameworks?

Curriculum Frameworks provide:

• Support for teachers and guidelines for educational programs
• Guidance to school districts in the development of local curriculum
• Direction to publishers for the development of instructional materials
• Guidance reflecting current and confirmed research
• Strategies to address the needs of students with disabilities
• Strategies to address English language development
Framework Components

• Use current and confirmed research in education and the specific content area to provide a firm foundation for curriculum and instruction
• Describe the sequence of knowledge and skills all students need to master (based on the content standards)
• Includes the criteria for the evaluation of instructional materials for Grades K-8 pursuant to Education Code §60200-60206, used in the state adoption of instructional materials
Content Standards

Pursuant to Education Code, the SBE adopted Academic Content Standards in:

- History–Social Science (1998)
- Science (1998)
- Visual and Performing Arts (2001)
- Physical Education (2005)
- Career Technical Education (2005)
- Health (2008)
- World Language (2009)
- Model School Library (2010)
- CCSS Mathematics (2010)
- English Language Development (2012)
Common Core State Standards (CCSS)

In August 2010, the SBE adopted the CCSS for English-Language Arts and Mathematics.

The California, the CCSS for English-Language Arts and Mathematics are composed of the CCSS with California-specific additions.
CALIFORNIA DEPARTMENT OF EDUCATION
Curriculum Framework Development Process
This chart shows the major steps of the curriculum framework development process. All meetings are open to the public.
Focus Groups

Pursuant to the *California Code of Regulations*, Title 5, Education, Section 9511(c), the CDE convenes four focus groups across California. The focus groups are held to solicit input on the new framework. Members of the focus group must be educators at the time of appointment. California *Education Code* Section 44013(a) defines an educator:

"Educator" means a certificated person holding a valid California teaching credential or a valid California services credential issued by the California Commission on Teacher Credentialing who is employed by a local education agency or by a special education local planning area and who is not employed as an independent contractor or consultant.
The Curriculum Framework and Evaluation Criteria Committee (CFCC)

- Members are recruited, recommended by the Instructional Quality Commission, and appointed by the SBE
- CFCC have 9-20 members
- A majority are credentialed K-12 teachers
- At least 1 Content Review Expert
- At least 1 experienced with English learners
- At least 1 experienced with students with disabilities
The CFCC

- Advises the Instructional Quality Commission and the SBE
- Develops a draft framework based on guidance from the Commission and the SBE
- Holds meetings in accordance with the Bagley-Keene Open Meeting Act
- Provides multiple opportunities for interested and concerned members of the public to provide written and oral comments throughout the framework development process
The Instructional Quality Commission

- Reviews the CFCC’s draft Framework
- Conducts a 60-day field review of the draft framework
  - Draft is provided via mail, Internet, and Learning Resources Display Centers (LRDC)
  - Public comments can be submitted via mail, Internet, email or in person
- Edits and amends the draft framework based on public comment
- Recommends the Framework to the SBE for approval
How are K-8 Instructional Materials Adoptions conducted by the State?

The SBE adopts the criteria for evaluating instructional materials 30 months prior to adoption of instructional materials.

The instructional materials adoption process involves three concurrent steps:

1. Education content review
2. Social content review
3. Public review and comment
INSTRUCTIONAL MATERIALS ADOPTION PROCESS

This flowchart shows the sequence of major components of California’s Instructional Materials Adoption Process. From the time samples of programs are submitted by publishers for evaluation, approximately six months elapse before final adoption action is taken by the State Board of Education.
Education Content Review

The education content review is based on subject specific evaluation criteria.

In recent instructional materials adoptions, the areas of the criteria included:

1) Content
2) Program Organization
3) Assessment
4) Universal Access
5) Instructional Planning and Support

Note: The above criteria was used in previous instructional materials adoptions. The SBE will adopt new criteria when the Mathematics and English Language Arts/English Language Development Frameworks are revised.
Reviewers

Following a statewide recruitment and thorough application process, the Instructional Quality Commission recommends and the SBE appoints Instructional Materials Reviewers (IMRs) and Content Review Experts (CREs) to conduct both Education Content Review and Social Content Review.
Instructional Materials Reviewer (IMR)

IMRs are primarily classroom teachers but may also include a broad range of other participants (e.g., school administrators, curriculum specialists, and parents) who evaluate materials according to all elements of the criteria.
Content Review Expert (CRE)

CREs are recognized subject matter experts who review materials according to the content criteria and standards to ensure that the materials are accurate, adequate in their coverage, and are based on current and confirmed research.

CREs review only those materials or parts of them that pertain to their area of expertise.
Social Content Review

• The social content review is conducted to ensure that all instructional materials used in California public schools are in compliance with:
  – *Education Code* sections 60040-60045 and 60048
  – SBE guidelines contained in the document, *Standards for Evaluation of Instructional Materials with Respect to Social Content*

• Materials not in compliance with the standards must be revised to comply or be withdrawn from the adoption process.
Public Review and Comment

• The adoption process is designed to ensure that the public has the opportunity to review and comment on instructional materials considered for SBE adoption.

• Samples of instructional materials submitted for adoption are available for public review from the date of submission through SBE adoption at:
  – Learning Resources Display Centers (LRDCs)
  – Student materials are also available on the Internet as required by the California Code of Regulations, Title 5, (5CCR) Section 9523
Public Review and Comment

Written comments on the instructional materials are forwarded to the Instructional Quality Commission and the SBE for consideration. In addition, three separate public meetings are held prior to adoption:

1. By the appropriate Subject Matter Committee (SMC) of the Instructional Quality Commission
2. By the full commission
3. By the SBE
Instructional Materials Adoption Process

- The IMRs and CREs are assigned to panels to review specific instructional materials.
- Each panel develops an IMR/CRE Report of Findings for each program based on their deliberations.
- The SMC of the Instructional Quality Commission considers the IMR/CRE Report of Findings and recommends materials to the full commission for adoption.
- Members of the Instructional Quality Commission conduct their own independent review, hold a public hearing, and then vote to recommend instructional materials to the SBE for adoption.
Instructional Materials Adoption Process – State Board of Education

- Prior to the SBE action, a public display period is held.
- Materials are on display at LRDCs throughout the state and student materials are also available on the Internet.
- Members of the public are encouraged to review the materials and send in their comments.
- The SBE considers the recommendations of the Commission, public input, and their own review.
- The SBE conducts a public hearing and then votes to adopt instructional materials.
Instructional Materials Adoption Process – Ordering Materials

- The adopted materials are added to the Price Lists of K-8 Adopted Instructional Materials
  http://www.cde.ca.gov/ci/cr.cf/intro-plsearch.asp
- Districts begin piloting and purchasing materials for use in their schools
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2012 AGENDA

SUBJECT

SUMMARY OF THE ISSUE(S)
California Education Code Section 60605.8 (h) requires the State Superintendent of Public Instruction (SSPI) and the State Board of Education (SBE) to present a schedule and an implementation plan to the governor and the appropriate policy and fiscal committees of the California State Legislature for integrating the Common Core State Standards (CCSS) into the state educational system. This agenda item is the fifth in a series of regular updates.

RECOMMENDATION
The California Department of Education (CDE) recommends that the SBE, in partnership with the SSPI, present to the governor and the California State Legislature the CCSS Systems Implementation Plan for California thereby fulfilling the requirements of California Education Code Section 60605.8 (h).

BRIEF HISTORY OF KEY ISSUES
When the SBE adopted the CCSS with additions in August of 2010, these standards became the current subject-matter standards in English language arts and mathematics. The full implementation of these standards will occur over several years as a new system of CCSS-aligned curriculum, instruction, and assessment is developed. New tools to support the system are important; professional learning support modules, curriculum frameworks, instructional materials, and assessment tools are all key components. However, in addition to the tools, successful implementation requires that California’s diverse educational stakeholders work in concert to achieve the shared objective of preparing every student for success in college and career.

The CDE has developed a comprehensive statewide plan for implementing a system designed to support student attainment of the CCSS. California’s CCSS Systems Implementation Plan is provided as Attachment 1.
BRIEF HISTORY OF KEY ISSUES (Cont.)

The CDE continues to be engaged in many implementation activities, as described in Attachment 3.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

January 2012: The CDE presented to the SBE the fourth in a series of updates on the implementation of the CCSS.

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

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

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

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

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

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

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

FISCAL ANALYSIS (AS APPROPRIATE)

The cost of implementing the CCSS is significant, but will be offset by the improved efficiencies, benefits of shared costs with other states, and the shifting of current costs
FISCAL ANALYSIS (AS APPROPRIATE) (Cont.)

to CCSS activities. Currently, the CDE is providing professional learning support via webinars and presentations and is providing ongoing guidance to the field for transitioning to the CCSS. In addition, current efforts will be redirected to support the implementation of the CCSS, especially in the area of professional learning support. In terms of instructional materials, costs will span multiple years but will be offset by access to a national market of materials and greater price competition. Nonetheless, the implementation of new standards assessments, the development and implementation of new accountability measures, local and statewide professional learning support, the development of new curriculum frameworks, and the review and acquisition of new instructional materials will require a refocusing of efforts, shifting and infusion of new resources.

ATTACHMENT(S)

Attachment 1: Common Core State Standards Systems Implementation Plan for California (62 Pages)

Attachment 2: Common Core State Standards Systems Implementation Plan PowerPoint Presentation (15 Pages)

Attachment 3: Programmatic Highlights (2 Pages)

Attachment 4: Common Core State Standards: Additional Frequently Asked Questions (6 pages)
Programmatic Highlights

The following list highlights current California Department of Education (CDE) activities regarding Common Core State Standards (CCSS) systems implementation and references additional State Board of Education (SBE) March meeting agenda items regarding CCSS systems implementation.

CDE

- California continues to participate in the State Collaborative on Assessment and Student Standards-Implementing the Common Core System (SCASS-ICCS). CDE staff (Deputy Superintendent Deb Sigman and Directors Patrick Ainsworth and Thomas Adams) and representatives from Institutions of Higher Education (Sonia Ortiz-Mercado, Matriculation and Early Assessment Dean, California Community Colleges Chancellor’s Office; and Beverly Young, Assistant Vice Chancellor, California State University System) recently participated in a three day meeting focused on college and career readiness. Dialogue with national experts and across teams focused on state and national work on defining college and career readiness, bridging the gap between K–12 and higher education, changes required to prepare all students for college and career, and strategies for facilitating ongoing stakeholder engagement.

- The CDE develops frequently asked questions (FAQ) on a continuous basis as information regarding CCSS systems implementation emerges. Many FAQ are available on both the CDE’s CCSS Resources Web page (http://www.cde.ca.gov/ci/cc/) and SBAC Web page (http://www.cde.ca.gov/ta/tg/sa/smarterbalanced.asp). Attachment 4 provides recently developed FAQ.

Professional Learning Support Division

- The Professional Learning Support Division has developed an additional Web page to provide access to the CDE’s Common Core Professional Support. It is located on CDE’s Professional Development site. It will be cross-referenced on the CDE’s CCSS Resources web page under the California Department of Education Links heading. The home page (currently in staging) includes Background, Implementation Phases, and Resources which includes:
  
  o Professional Learning Modules: Professional Learning Modules (PLM) are being developed on key aspects of CCSS, which are based on needs assessment results. The first set of PLM will be available July 2012.

  o References: Links to Web sites that provide training, resources, and other types of support to educators, parents, and support staff who are implementing CCSS across topics, or in specific subject areas.
CCSS Blogs and Other Social Network Sites: Opportunities for educators to reflect on new learning, discover new resources, share ideas, improve technology skills, help others improve their technology skills, build community in their own backyards or carve new ones in a different corner of their worlds are possible through these CCSS-related resources.

- Following a thorough review of the professional learning available for the CCSS and highly interactive meetings and information gathering from county and district office leaders regarding their needs and concerns, statewide professional development representatives/experts were identified by the CDE and SBE. They began working in February and developed the criteria for the PLM and a draft template based on the criteria. The CDE tentative timeline was revised for module development; four PLM topics were selected to be developed by summer 2012. The CDE and the professional development representatives identified professional development and content area experts for PLM development and future meetings were scheduled.

Career and College Transition Division

- The Career Readiness Partner’s Council, a group of state level education leaders from states that have agreed to the implementation of the CCSS, has been established to define what it means for students to be determined to be ready for career and college. The council, chaired by Division Director Patrick Ainsworth, convened for the first time in January 2012 and is expected to continue work for the next two years.

Assessment Development and Administration Division

- Reauthorization of the Statewide Pupil Assessment System: Development of the State Superintendent of Public Instruction Recommendations. Item 4

Curriculum Frameworks and Instructional Resources Division

- Supplemental Instructional Materials Review Aligned to the Common Core State Standards: Approval of Reviewers. Item 5

- Instructional Quality Commission: Appointment of New Members. Item 2

English Learner Support Division

- Update on the Activities of the California Department of Education Regarding Development of the English Language Development Standards for California Public Schools, Kindergarten through Grade Twelve. Item 6
Common Core State Standards
Additional Frequently Asked Questions

1. When should teachers begin teaching the Common Core State Standards?

   Educators should begin reviewing the Common Core State Standards (CCSS) now in order to understand the changes in the standards and what they will need to consider in transitioning to them. The CDE’s CCSS Resources Web page has numerous documents, PowerPoint presentations, and Webinars to support the transition to the CCSS and is updated as new resources become available.

   An excellent resource with which to begin the transition is A Look at Kindergarten through Grade Six in California Public Schools (http://www.cde.ca.gov/ci/cr/cf/qrlevelcurriculum.asp), a compilation of subject-matter curriculum, including information about transitioning to the CCSS, organized by individual grade levels. CDE on iTunes U (available at http://www.cde.ca.gov/re/mm/it/) also offers many high quality CCSS-related professional learning resources for educators. In addition, California’s county offices of education are good sources of information and resources to support the transition to the CCSS.

2. Will the CDE provide professional learning modules to support the transition to the CCSS?

   Pursuant to Assembly Bill 250 (Statutes of 2011), the California Department of Education (CDE) has compiled a list of professional learning activities and resources that are currently available and has conducted surveys to determine what professional learning activities and resources are most needed by local educational agencies (LEAs). The CDE has formed a design team to develop criteria for new professional learning modules designed to meet the identified needs of educators. Modules will be available for both individual study and group activity, web-based and school-based delivery, and will assist in the implementation of the CCSS and increase the effectiveness of teachers based on the California Standards for the Teaching Profession and the Learning Forward Standards for Professional Learning. Topics will include instructional strategies to support all learners including English learners, pupils with disabilities, and underperforming students; instructional strategies that promote creativity, innovation, critical thinking, problem solving, collaboration and communication skills; the integration of subject area content knowledge; and instructional leadership and coaching. More information regarding the professional learning modules is available in Guiding Strategy 1 of the Common Core State Standards Systems Implementation Plan for California.
3. **What funding can districts utilize for CCSS-related professional learning?**

   In addition to unrestricted general funds, LEAs may utilize Title II Part A funds for CCSS-related professional learning.

4. **How can educators implement the CCSS without CCSS-aligned instructional materials?**

   It will take a number of years to develop new curriculum frameworks and instructional materials aligned to the CCSS. In the interim, the CDE plans to post on its Web site by January 2013 a list of supplemental instructional materials designed to bridge the gap between existing programs and the CCSS. The CDE will facilitate a teacher/content expert review of publisher-submitted materials during the summer of 2012. This process is only advisory for LEAs and not a state adoption. The review is in no way mandatory for publishers, and LEAs will not be required to purchase these materials.

   The CDE has advised publishers that these materials should include only the minimum amount of content needed to address the specific evaluation criteria in order to keep costs low. Additional information is available at the following CDE Web page: [http://www.cde.ca.gov/ci/cr/cf/suptsupmatreview.asp](http://www.cde.ca.gov/ci/cr/cf/suptsupmatreview.asp)

   Educators may also use the supplemental instructional materials review evaluation criteria for grades K–8 to identify CCSS that current materials do not support and use resources from the library, internet, and primary source documents to develop lessons that address them.

   The “Suggestions and Opportunities for LEAs” pages and Appendix A of the *Common Core State Standards Systems Implementation Plan for California* offer numerous suggestions regarding local standards implementation. In addition, links to many free resources to support local implementation efforts are available on the CDE Common Core State Standards Resources Web page at [http://www.cde.ca.gov/ci/cc/](http://www.cde.ca.gov/ci/cc/).

5. **What if an LEA did not adopt the 2007 mathematics or 2008 reading/language arts instructional materials? How will they be able to bridge their materials to the CCSS?**

   The last adoption of academic content standards for mathematics and English language arts (ELA) was in 1997. Instructional materials adopted by the SBE since that time are all based on these standards. One category of supplemental instructional materials being reviewed by the CDE will be based upon a subset of CCSS which will be selected to supplement not the 2007 adopted mathematics
materials and 2008 adopted ELA materials but rather the 1997 standards themselves. These materials will bridge the gap between older materials and the CCSS. Additional information is available at the following CDE Web site: http://www.cde.ca.gov/ci/cr/cf/suptsupmatreview.asp

6. Are there crosswalks to show the differences between the 1997 standards and the CCSS?

Yes. The Sacramento County Office of Education has prepared crosswalks between the standards (http://www.scoe.net/castandards/index.html). It is important to understand that there is not a direct one-to-one correlation between all standards. Often a new standard may represent concepts previously presented through several standards or vice versa.

7. Where can I find CCSS resources for teachers of English learners?

The CDE’s recent publication A Look at Kindergarten through Grade Six in California Public Schools includes sections on English learners and the specific CCSS ELA standards that support English language development. Additionally, Assembly Bill 124 (Fuentes, 2011) authorized the revision of the current ELD standards to align them to the CCSS. The SBE will consider adoption of the new ELD standards in the fall of 2012. The next curriculum framework for ELA will include the new ELD standards.

8. Will there be new CCSS-aligned assessments?

Yes. California is participating in the SMARTER Balanced Assessment Consortium (SBAC) with a number of other states to prepare a common set of assessments based on the CCSS. The SBAC is developing new assessments that will be fully implemented by the 2014–15 school year, with pilot testing in 2012–13 and field testing in 2013–14. A news release describing California’s involvement with the SBAC was issued on June 9, 2011. Additional information about the consortium, including FAQ, is available on the CDE’s SBAC Web page and at the SBAC Web site (Outside Source).

Guiding Strategy 3 of the Common Core State Standards Systems Implementation Plan for California provides information regarding California’s participation in the SBAC and details specific work and benchmarks. The section “Suggestions and Opportunities for Local Educational Agencies” recommends numerous ways in which districts may begin to prepare for the new, future assessments—of which perhaps the most important is to sign up for the CDE’s SBAC Web page listserv in order to receive the latest information.
9. Will the new CCSS tests include the additional California-added standards?

In introducing the CCSS, the National Governors Association Center for Best Practices and the Council of Chief State School Officers advised that states could adopt up to an additional 15 percent while remaining true to the CCSS; California exercised this option. In addition to adopting the CCSS, the SBE adopted a number of additional standards the SBE recognized as being important for maintaining the rigor of the 1997 standards. The SBAC assessments will not include these California additions as they will be based solely on the standards shared by all adopting states.

Pursuant to Assembly Bill 250 (Statutes of 2011), the CDE will work with stakeholders to develop an assessment transition plan that reflects input from the educational field about assessments that are not provided by the SBAC. The CDE will present a report regarding the assessment transition to the California State Legislature by November 1, 2012.

10. What technology do districts need to implement the CCSS?

An online dynamic and interactive technology readiness tool to support transitions and implementation is being developed on behalf of the assessment consortia. This tool will help member state educational agencies and LEAs as they evaluate their current technology and infrastructure in terms of readiness to implement the SBAC assessment system and identify strategies to update their technology based on gaps identified. It is anticipated that the tool will be ready in spring 2012.

In terms of instructional materials, the format of materials, whether hardcopy textbook or digital materials, is a local decision. Most SBE-adopted textbooks have a digital alternate format version available. As demand for digital materials increases, publishers will develop these resources further.

11. How will the State ensure full and equal implementation of the CCSS in every district?

The California Education Code (EC) mandates the adopted course of study for grades one through twelve. EC Section 51210 states that the adopted course of study for students in grades one through six shall include instruction in the following areas of study:

(a) English, including knowledge of, and appreciation for, literature and the language, as well as the skills of speaking, reading, listening, spelling, handwriting, and composition.
(b) Mathematics, including concepts, operational skills, and problem solving.

(c) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; the development of the American economic system, including the role of the entrepreneur and labor; the relations of persons to their human and natural environment; eastern and western cultures and civilizations; contemporary issues; and the wise use of natural resources.

(d) Science, including the biological and physical aspects, with emphasis on the processes of experimental inquiry and on the place of humans in ecological systems.

(e) Visual and performing arts, including instruction in the subjects of dance, music, theatre, and visual arts, aimed at the development of aesthetic appreciation and the skills of creative expression.

(f) Health, including instruction in the principles and practices of individual, family, and community health.

(g) Physical education, with emphasis on physical activities for pupils that may be conducive to health and vigor of body and mind, for a total period of time of not less than 200 minutes each 10 school days, exclusive of recesses and the lunch period.

(h) Other studies that may be prescribed by the governing board.

Every school in California is required to provide instruction in the subjects named above, although physical education is the only subject that has statutorily required minutes of instruction. The schedule of the instructional day and week is determined by the teacher and the local school and district administration.

While implementation of specific academic content standards is a local decision and not mandated by EC, California strongly recommends their local use. Additionally, statewide assessments which are mandated by EC are based upon California’s adopted academic content standards. California is supporting local implementation of the CCSS through many resources available to all LEAs many of which are noted in the Common Core State Standards Systems Implementation Plan for California.
12. How will the CCSS affect institutions of higher education? Will there be an alignment of admission/graduation requirements or placement exams to the CCSS?

The CDE will work with stakeholders to ensure that the K–12, the higher education community, and business communities have a common agreement upon the definition of career and college readiness that includes the CCSS for mathematics and English language arts. Further, the CDE is working to ensure that the higher education community has an advisory role in the SBAC and in determining student readiness for credit bearing courses in the freshman year of college. The CDE will work with postsecondary and career experts to ensure that the SBAC assessments show depth of knowledge and critical thinking skills, use items/questions that mirror real life, and reflect the thinking required in career and college.

Additionally, the CDE will collaborate with the University of California, Office of the President, and the Western Association of Schools and Colleges to facilitate the alignment of accreditations and A–G course requirements to the CCSS.
Common Core State Standards
Systems Implementation Plan for California

March 2012
Mission Statement

California will provide a world-class education for all students, from early childhood to adulthood. The California Department of Education serves our state by innovating and collaborating with educators, schools, parents, and community partners. Together, as a team, we prepare students to live, work, and thrive in a highly connected world.

The California Department of Education (CDE) oversees the state's diverse and dynamic public school system, which is responsible for the education of more than seven million children and young adults in more than 9,000 schools. The CDE and the State Superintendent of Public Instruction are responsible for enforcing education law and regulations; and for continuing to reform and improve public elementary school programs, secondary school programs, adult education, some preschool and child care programs.

Our purpose is to provide for and support an effective educational system that affords every child the ability to attain their highest degree of education and to support the local educational agencies (LEAs) in this endeavor.

Acknowledgements

This Common Core State Standards (CCSS) Systems Implementation Plan has been developed by the CDE under the leadership of State Superintendent of Public Instruction Tom Torlakson and the California State Board of Education (SBE), and is presented to the California State Legislature, Governor Edmund G. Brown Jr., and the people of the State of California.

The Purpose of This Document

The CCSS Systems Implementation Plan identifies major phases and activities in the implementation of the CCSS throughout California’s educational system. The plan describes the philosophy of and strategies for the successful integration of new kindergarten through grade twelve academic content standards that permeate both well before and far beyond these grade levels.

While it provides a pathway for activities related to implementation, this document is not designed to be an exhaustive task list. Nor is its purpose to identify or discuss the specifics of the standards themselves—many other resources produced by the CDE and its collaborative partners provide reviews and analyses of the CCSS.

LEAs should use this plan to develop their own specific CCSS implementation plans in order to meet their own local needs. This plan provides LEAs with information on the CCSS alignment work of statewide programs that involve most, if not all, LEAs. It also includes information on many specific resources they may wish to utilize and implementation activities in which they may choose to participate.

California’s Standards-Based Educational System

Academic content standards encourage the highest achievement of every student by defining the knowledge, concepts, and skills that students should acquire at each grade level. A standards-based system of education is an integrated system in which each element is an essential part of the whole. No single element ensures student achievement, and ineffective implementation of any aspect risks the success of the entire system. Each element informs the others to
create a single plan for student mastery of the standards.

This system of clear expectations for student achievement promotes educational equity. This equity—ensured through universal access for all students—is the cornerstone to our educational philosophy. It’s from the results of our continuing research for and development of improved programs and instructional techniques that students will actually achieve their true potential for academic success. When this success is attained—when there is no measureable gap between the academic performance levels of student subgroups—will we have achieved true educational equality.

The SBE first adopted statewide academic content standards for English-language arts and mathematics in 1997. Since that time, California has been building an educational system based upon some of the most rigorous and well respected academic content standards in the nation. California’s standards-based educational system is one in which standards, curriculum, assessment, and accountability are aligned to support student attainment of the standards. Teachers and local school officials, in collaboration with families and community partners, use standards to help students achieve academic success.

The Common Core State Standards

In 2009, the Council of Chief State School Officers (CCSSO) and the National Governors Association Center for Best Practices (NGA) committed to developing a set of standards that would help prepare students for success in career and college. The CCSS Initiative is a voluntary, state-led effort coordinated by the CCSSO and NGA to establish clear and consistent education standards.

The CCSS exist for English-language arts and mathematics, kindergarten through grade twelve. They are founded upon the best state standards; the experiences of teachers, content experts, and leading thinkers; and feedback from the general public. In addition, the standards are internationally benchmarked to the top performing nations to ensure that our students are globally competitive. Parents, educators, content experts, researchers, national organizations, and community groups from forty-eight states, two territories, and the District of Columbia all participated in the development of the standards. The CCSS are rigorous, research-based, and relevant to the real world. On August 2, 2010, the SBE voted unanimously to adopt the CCSS. More information about the standards may be found on the CDE’s CCSS Resources Web page at http://www.cde.ca.gov/ci/cc.

Common Core State Standards Systems Implementation Plan

California’s adoption of the CCSS demonstrates its commitment to providing a world-class education to all of its students. California’s implementation of the CCSS renews its vision that all students graduating from our public school system be life long learners and have the skills and knowledge necessary to be ready to assume their position in the 21st century global economy.

California is not only fully committed to the complete and successful implementation of the CCSS, it is now fully engaged in that process. Across all branches of the CDE, within county offices of education, at every level of LEA administrations, and in classrooms across the state, stakeholders are examining their education programs and preparing for full implementation of the CCSS.

There is much work to be done. Although California's 1997 academic content standards and the CCSS for English-language arts and mathematics share many similarities in content and design, there are a number of notable differences between the two sets of standards. For example, since students are often required to write, research, and analyze non-literary texts in college and the
workplace, the CCSS place an emphasis on developing literacy in history, science, and technical subjects. The CCSS also focus on applying mathematical ways of thinking to real world challenges, helping students develop a depth of understanding and ability to apply mathematics to novel situations.

In addition, the new CCSS require significant student collaboration, fluency with multimedia and technology, and the development of strong complex reasoning, problem solving, and communication skills. Elements such as these transcend subject matter and demand a re-examination of our existing system of professional learning, curricula development, assessments, and accountability. Further, California’s active participation in new CCSS system-related multi-state collaborations present the state with additional opportunities to expand and improve upon previous standards implementation efforts.

**California’s Diverse Stakeholders**

A systems approach to implementing the CCSS provides coherence and necessitates extensive communication and collaboration among all of California’s educational stakeholders. The CDE is working diligently to ensure clear communications and expectations, and this document is an important component of this goal. Yet, without the engagement and assistance of all educational stakeholders, the CDE cannot successfully oversee the implementation of the CCSS. The role of each stakeholder group in contributing to the implementation is vitally important to the success of the plan.

The CCSS were created by representative groups of teachers, administrators, parents, content experts, and education professionals, each bringing a unique educational perspective into the development. For the implementation of the CCSS to be successful, it will take a vast majority of all members of these groups working to achieve the common goals.

Teachers are the front line in implementing the CCSS—they create and provide daily classroom lessons. School site administrators provide teachers with instructional leadership and maintain a safe learning environment for both students and teachers. District administrations and elected boards can establish policies designed to facilitate state and federal programs and empower teachers and site administrators with local creativity and flexibility. County offices of education can provide technical assistance and professional learning support at the regional level for the schools and districts they serve.

The CDE and the SBE are the entities responsible for integration of the CCSS into the statewide educational system. They implement the law established by state and federal elected officials through administration of statewide programs. State and federal elected officials can support implementation by creating and opening doors for opportunity.

Working with state officials and local districts, institutions of higher education can seek to cultivate student college readiness, and in working with the Commission on Teacher Credentialing, can ensure high quality teacher preparation.

But beyond these governmental groups, a wide array of community partners can seek to support educators in many ways. Professional organizations, including those supporting and representing educators, are a key component in providing information, feedback, and support throughout the implementation process. This document not only charts the path for CCSS systems implementation but illuminates opportunities for extensive involvement.

The role of the families, parents, and guardians is all encompassing. Involvement at every level of their student’s
education is fundamental for a student’s personal success. Families, parents, and guardians can ensure that students arrive at school ready to learn, provide quiet time and space at home for students to study, and stay involved in students’ learning through positive engagement about their academic work and social interactions. Additionally, there are many opportunities for involvement at the school site, providing support for administrators, teachers, and the students.

Of all stakeholders, students are perhaps the most ready to implement the new standards. Offered engaging content by well-prepared teachers using effective strategies, students will respond with determined interest and perform to their best ability. The role of every other stakeholder group is to ensure that the students—all students—gain meaningful access to the content and that all necessary support systems are in place.

In reviewing this document, stakeholders should note instances for potential involvement. For various groups, these opportunities may be different. Teachers and administrators may wish to participate in professional learning opportunities. Families may wish to view CDE-sponsored Webinars or review publications such as A Look at Kindergarten through Grade Six in California Public Schools. In many cases, the opportunity for stakeholder input will be more open-ended. For example, the SBE invites public comment on meeting agenda items. In other instances, the CDE will seek stakeholder feedback on particular issues. Involvement may be as easy as subscribing to a listserv for information on a particular topic. Opportunities abound, and the CDE and SBE welcome and encourage participation.

**Phases of Implementation**

Full implementation of CCSS systems will occur over several years and in the context of a continuous learning process. Accordingly, the plan exists within a framework of phases of the change process. The phases are straightforward yet lightly defined because for each program and project there exists an ongoing development and progression that must evolve both at the individual elemental level and the integrated systems level.

- **The Awareness Phase** represents an introduction to the CCSS, the initial planning of systems implementation, and establishment of collaborations.
- **The Transition Phase** is the concentration on building foundational resources, implementing needs assessments, establishing new professional learning opportunities, and expanding collaborations between all stakeholders.
- **The Implementation Phase** expands the new professional learning support, fully aligns curriculum, instruction, and assessments, and effectively integrates these elements across the field.

**Guiding Strategies**

As a structural framework for activities, and the phases into which they fall, the plan is grounded in seven guiding strategies for implementation. These strategies encompass all areas of our educational system, and while they provide focus to the work, they also reveal its highly integrated nature. The seven guiding strategies for CCSS systems implementation are:

1. Facilitate high quality professional learning opportunities for educators to ensure that every student has access to teachers who are prepared to teach to the levels of rigor and depth required by the CCSS.
2. Provide CCSS-aligned instructional resources designed to meet the diverse needs of all students.
3. Develop and transition to CCSS-aligned assessment systems to inform instruction, establish priorities for professional learning, and provide tools for accountability.

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

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

6. Seek, create, and disseminate resources to support stakeholders as CCSS systems implementation moves forward.

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

**Transformation**

Within each of these seven strategies exists the basis for the work to be done, the major work projects, and what that work will ultimately establish in terms of full transformation to the CCSS systems. While a plan usually starts at the beginning, this plan first establishes what transformation to the CCSS systems will look like. Each strategy begins with what we know we want—and what we know we need to achieve—in transforming to an integrated system of CCSS education. For many of the strategies, the list of indicators of transformation is quite detailed. However, the indicators of transformation for the CCSS system as a whole are relatively simple. In essence, we will know that our educational system has been transformed when teachers across the state, informed by student assessment data gleaned from CCSS-aligned tools, employ differentiated instructional strategies to support the success of every student in attaining the standards. Quite simply, California’s students, supported by a network of engaged and informed stakeholders, will graduate from high school prepared to transition to career and college successfully.
1. Facilitate high quality professional learning opportunities for educators to ensure that every student has access to teachers who are prepared to teach to the levels of rigor and depth required by the CCSS.

Successful implementation of the CCSS requires strong instructional leadership in every school and well-prepared teachers in every classroom. In order for any standards-based system to be successful, educators must possess a thorough understanding of what students are expected to know and be able to do, as well as an array of instructional strategies designed to support every student in meeting those expectations. There are a number of differences between the California content standards adopted in 1997 and the CCSS. It is critical to the success of the CCSS system that every educator, at every stage of his or her career, has access to high quality professional learning opportunities that develop facility with the new standards and a variety of instructional strategies that will support student attainment of them.

The CDE will work with the Commission on Teacher Credentialing (CTC) to ensure that pre-service teachers and administrators have access to programs that provide the pedagogical and content knowledge needed to successfully support student attainment of the CCSS. Similarly, induction programs will reflect and support effective teaching of the CCSS-aligned material. Collaborations with higher education and the coordination of programs will guide revisions to teacher competencies, credentialing, and course work for students in all teacher preparation and credentialing programs.

The CDE will also collaborate with various educational entities; including the county offices of education, educator professional associations, and stakeholder organizations; to ensure that existing and newly developed CCSS-aligned resources are efficiently and adequately distributed to educators throughout California and will maintain ongoing communication with the higher education community in the development of professional learning resources for educators.

The CDE will compile a list of professional learning activities and resources that are currently available and conduct needs surveys to determine what professional learning activities and resources are most needed by LEAs. The CDE will then form a design team to develop criteria for new professional learning modules designed to meet the identified needs of educators. Modules will be available for both individual study and group activity, web-based and school-based delivery, and will assist in the implementation of the CCSS and increase the effectiveness of teachers based on the California Standards for the Teaching Profession and the Learning Forward Standards for Professional Learning. Topics will include instructional strategies to support all learners including English learners, pupils with disabilities, and underperforming students; instructional strategies that promote creativity, innovation, critical thinking, problem solving, collaboration and communication skills; the integration of subject area content knowledge; and instructional leadership and coaching. The CDE will refine its existing Professional Development Opportunities Web site to identify activities aimed at transitioning to the CCSS.

Traditionally, once the SBE adopts standards, the CDE develops new curriculum frameworks that provide guidance regarding instructional strategies to support student achievement of the standards. In 2009, California enacted a series of laws that
suspended the framework development process. This process will resume in January 2012. To support transition to the CCSS until the curriculum frameworks are revised, the CDE has developed and published a grade-level curriculum document, *A Look at Kindergarten Through Grade Six in California Public Schools*, that includes substantial material to support the transition to the CCSS. The CDE will continue to develop materials that promote familiarity with the CCSS and implementation of the CCSS system, and collaborate with professional organizations to conduct presentations and workshops at regional and statewide conferences.

Historically, socio-economically disadvantaged and linguistic minority student subgroups have experienced a gap in student achievement as compared to their non-disadvantaged and native English-speaking counterparts. The CDE will continue to use Title I resources for schools and LEAs to strengthen the academic achievement of students not meeting state standards and will create and promote professional learning opportunities and resources to support teachers in addressing the diverse needs of all students.

The CDE will partner with LEAs regarding potential programmatic refinements designed to align with various assessments and will promote familiarity with SMARTER Balanced Assessment Consortium (SBAC) assessments and how they may be used to inform instruction.

**Guiding Strategy One**

Educators will have access to professional learning opportunities that promote best practices for teaching all students, including our youngest students, gifted students, students with disabilities, English learners, and underperforming students. Educators will know how to use student data provided by SBAC assessments to inform their practice and will be prepared to differentiate instruction to meet the needs of all students.

Teacher and administrator credentialing and induction programs will align to the CCSS. Pre-service educators will be familiar with the standards and possess a range of instructional strategies that support student attainment of them. A multitude of professional learning resources that support best practices as related to CCSS-aligned instruction will be available. Various providers of professional learning opportunities will continue to work in collaboration with the CDE to create methods of delivery that include online portals and discussion boards, resource Web pages, Webcasts, workshops, seminars, and publications. CDE staff will regularly survey school, district, and county office personnel to assess needs and continue to provide technical assistance and develop new resources in response to stakeholder feedback. The revised curriculum frameworks will provide instructional guidance to classroom teachers and serve as the basis for professional development on the CCSS and their implementation for teachers and administrators.

**Indicators of Transformation**

Educators will have access to professional learning opportunities that promote best practices for teaching all students, including our youngest students, gifted students, students with disabilities, English learners, and underperforming students. Educators will know how to use student data provided by SBAC assessments to inform their practice and will be prepared to differentiate instruction to meet the needs of all students.
## Development of Professional Learning Modules

**Awareness**
- Identify high-quality professional learning opportunities that are aligned to CCSS and representative of the SBAC assessments (fall 2011)
- Compile a list of existing state and national professional learning activities (2012)
- Conduct a needs assessment of LEAs to determine and prioritize professional learning needs (November 2011–January 2012)
- Establish a design team to develop guidelines for professional learning modules (January 2012)
- Collaborate with stakeholders to establish a work plan for professional development activities and priorities (November 2011–January 2012)

**Transition**
- Participate in development of professional learning opportunities created by county offices of education and other providers of professional development (June–December 2011)
- Develop guidelines for model professional learning modules based upon the Standards for Professional Learning and the California Standards for the Teaching Profession (CSTPs) (February 2012)
- Oversee development of the first set of 4–6 professional learning modules (July 2012)
- Inform LEAs of allowable use of federal supplemental funds (i.e., Title II) in professional learning opportunities aligned to the CCSS

**Implementation**
- Conduct Web-based and site-based seminars for facilitators on professional learning modules (July 2012–September 2013)
- Conduct evaluation of effectiveness of existing modules and revise as needed
- Develop 8–10 new modules as needed (September 2013)

## Educator Preparation and Induction Programs

**Awareness**
- Discuss with the CTC the need to review the teacher preparation and Beginning Teacher Support and Assessment (BTSA) program requirements, as well as teacher performance expectations for necessary changes for alignment to the CCSS
- Communicate with institutions of higher education regarding the CCSS and new requirements for teacher and administrator preparation programs
- Build collaborations with the higher education community to align teacher competencies and standards for special education programs and credentialing

**Transition**
- Work with the CTC to incorporate new requirements into teacher preparation and BTSA programs and create teacher performance expectations
- Work with institutions of higher education to revise teacher and administrator preparation programs to align with the CCSS and new CTC requirements
- Collaborate with higher education, addressing teacher preparation issues for early childhood and career technical education, English learners, students with disabilities, underperforming students, use of assessment data to inform instruction, and integration of the CCSS

**Implementation**
- Work with BTSA Regional infrastructure to ensure CCSS are included within local BTSA programs
- Support institutions of higher education implementation of CCSS in appropriate coursework
### California Department of Education Implementation Activities

#### Guiding Strategy One

<table>
<thead>
<tr>
<th>Transition Document</th>
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<tr>
<td>• Develop a K–6 grade-level curriculum document that includes sections on professional learning in terms of transitioning from the 1997 standards to the CCSS in addition to sections on all of the subject areas for which there are state-adopted content standards (2011)</td>
<td>• Publish the grade-level curriculum document online (spring 2011)</td>
<td>• Archive the grade-level curriculum document Webinars online (2011)</td>
<td>• Publish and promote <em>A Look at Kindergarten Through Grade Six in California Public Schools</em> (fall 2011)</td>
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<td>Outreach</td>
<td>• Prepare professional learning focused presentations and workshops to promote awareness of the CCSS</td>
<td>• Schedule and conduct presentations and workshops at professional learning conferences</td>
<td>• Post professional learning presentations online</td>
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<td>• Reach out to educational organizations/associations regarding availability of CDE staff to provide informational presentations</td>
<td>• Continue to solicit stakeholder organizations for opportunities to present workshops at state-wide and regional conferences and meetings to familiarize stakeholders with the CCSS</td>
<td>• Maintain and strengthen collaborative relationships with stakeholder organizations.</td>
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<td>• Post professional learning presentations online</td>
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<td>• Continue to develop and provide new relevant presentations as implementation progresses</td>
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<td>Web-based Promotion of Professional Learning Opportunities</td>
<td>• Develop informational materials to promote awareness of the CCSS</td>
<td>• Post informational materials on CCSS Resources Web page and CDE on iTunes U</td>
<td>• Post recordings of webinars and presentations on CDE on iTunes U</td>
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<td>• Establish partnership with Apple, Inc. to develop and design CDE on iTunes U (spring 2010)</td>
<td>• Collaborate with stakeholders to gather and review materials to include on CDE on iTunes U</td>
<td>• Maintain and continually update a library of resources, webinars, and presentations regarding the CCSS</td>
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<td>• Establish CDE’s CCSS Resources Web page (summer 2010)</td>
<td>• Provide a series of Webinars and presentations on the CCSS and develop a library of CCSS-related resources available online</td>
<td>• Maintain and continually update clearinghouse for professional learning resources and opportunities</td>
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<td>• Refine existing professional learning Web site to better communicate activities aimed at the transition to CCSS (2012)</td>
<td>• Modify content and resources as necessary</td>
<td>• Disseminate information to LEAs about the availability of updated online resources as well as professional learning modules</td>
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<td>• Identify professional development content, resources, videos, and CDE hosted or sponsored web portals that should be modified to address CCSS</td>
<td>• Establish and promote listserv to notify educators and the public about CCSS resources and professional learning opportunities (summer 2011)</td>
<td>• Maintain, expand, and promote listserv to notify educators and the public about CCSS resources and professional learning opportunities</td>
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## Suggestions and Opportunities for LEAs

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<tr>
<td>• Support professional learning to promote awareness of and familiarity with the CCSS  &lt;br&gt; • <strong>Area of focus</strong>: Compare and contrast the CCSS with the 1997 content standards  &lt;br&gt; • Conduct local needs assessment to identify needs and set priorities for professional learning and develop local professional learning plan based on identified needs and full implementation in 2014-15</td>
<td>• Support ongoing professional learning to promote transition to the CCSS based upon priorities established in local plan  &lt;br&gt; • <strong>Areas of focus</strong> may include:  &lt;br&gt; • Mathematics: the standards for mathematical practice, modeling, and content shifts in mathematics for grades K-8  &lt;br&gt; • English language arts: text complexity, text-based questions and tasks, developing literacy across the content areas, writing informational text collaborative conversations, the new English Language Development (ELD) standards  &lt;br&gt; • New Challenges: transitioning to the SBAC assessment system, effective utilization of technology and media, 21st century skills, career and college readiness</td>
<td>• Provide professional learning to support full implementation of the CCSS  &lt;br&gt; • <strong>Areas of focus</strong>: content shifts in mathematics, transition to SBAC assessments</td>
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<tr>
<td>• Subscribe to the CDE’s CCSS Resources and SBAC Web pages listservs to remain apprised of the latest developments and resources related to CCSS systems implementation and utilize resources as appropriate  &lt;br&gt; • Regularly review the CDE’s Professional Development Opportunities Web page and utilize resources as appropriate  &lt;br&gt; • Review and utilize professional learning resources available on CDE-hosted or sponsored web portals including archived webinars and presentations on CDE on iTunes U  &lt;br&gt; • Utilize CCSS professional learning resources offered by professional associations and your county office of education  &lt;br&gt; • Participate in California Subject Matter Projects offerings for research-based instructional strategies and assessment tools</td>
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*CCSS*: Common Core State Standards  
*LEAs*: Local Educational Agencies  
*SBAC*: Smarter Balanced Assessment Consortium
2. Provide CCSS-aligned instructional resources designed to meet the diverse needs of all students.

The traditional implementation of new academic content standards in California has been the progressive pathway of the development, review, and adoption of standards, curriculum frameworks, instructional materials, and assessments. Due to fiscal crisis, the state enacted a series of laws beginning in 2009 designed to create flexibility for LEAs. These laws suspended the authority of the CDE to initiate curriculum frameworks development and the authority of the SBE to adopt any new materials until July 2015. However, due to the passage of Assembly Bill 250 (Statutes of 2011), the CDE is now revising the curriculum frameworks for mathematics and English language arts. These new curriculum frameworks will provide instructional guidance aligned to the CCSS and will provide publishers with criteria for the development of new instructional materials.

While instructional materials adoptions remain suspended, the CDE is conducting a review of supplemental instructional materials that will bridge the gap between SBE-adopted programs currently being used by LEAs and the new CCSS. Once the review is complete, the CDE will list on its Web site these CCSS-aligned materials designed to help LEAs transition to the new standards.

Fundamental to California’s concept of successful instruction is the assurance of universal access for all students—which means that all students must have meaningful access to the content in order to achieve their own highest potential. The CDE continues to strive to ensure that instructional resources, including those that are developed to support student attainment of the CCSS, are designed to meet the many different needs of California’s diverse student population, including gifted students, adult students, English learners, migrant students, students with disabilities, as well as students with disabilities who are English learners.

A revision of the English Language Development (ELD) standards is crucial to successful implementation of the new CCSS. Nearly 25 percent of California’s students are English learners, and the ELD standards establish what students must know and be able to do as they move toward full fluency in English. With the passage of AB 124 (Statutes of 2011), California is embarking upon a revision of the ELD standards to bring them into full alignment with the CCSS and will include the revised standards in the new curriculum framework for English language arts.

Additionally, as technology-based materials become more common, the CDE will continue to promote the use of platform-neutral software and adaptive technology—both in curriculum and assessments.

Indicators of Transformation
Revised curriculum frameworks will provide instructional guidance on the CCSS and provide the criteria for development of new instructional materials. The frameworks will provide information regarding strategies for universal access, use of assessments to inform instruction, and tiered interventions for any students not meeting the CCSS; and stakeholders will utilize them to improve the achievement of all students. Students will have the opportunity to access CCSS-aligned curriculum via a variety of formats, including digital technology that will also be capable of supporting assessment administration.
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<th>Guiding Strategy Two</th>
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### California Department of Education Implementation Activities

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<tr>
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<th>Awareness</th>
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<th>Implementation</th>
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</table>
| **Standards Documents** | Publish and present in print and online the CCSS with CA additions  
|                      | Translate the CCSS with CA additions into Spanish | Publish and present in print and online the Spanish translation of the CCSS with CA additions |                                 |
| **English Language Development Standards** | Convene five regional focus group meetings to gather input on the revision of the ELD standards (February 2012)  
|                      | Convene education experts to update the ELD standards (April-June 2012)  
|                      | Align the ELD standards to the CCSS for ELA  
|                      | Hold two public hearings for stakeholder input (July-August 2012)  
|                      | Present the revised ELD standards to the SBE for action (August 2012) | Announce adoption of the revised ELD standards (fall 2012)  
|                      | Publish in print and online the revised ELD standards  
|                      | Incorporate new ELD standards into revised ELA framework | Develop an introduction to the revised ELD standards and present at conferences and in Webinars |
| **Supplemental Instructional Materials** | Develop a plan and timeline for the review of supplemental instructional materials aligned to the CCSS (2011–12)  
|                      | Brief publishers on the review (2011–12)  
|                      | Post an information page and FAQ on the review (2011) | Develop evaluation criteria and review timelines for SBE action (January 2012)  
|                      | Recruit and train reviewers (June 2012)  
|                      | Conduct reviewer deliberations; develop a report of findings (September 2012)  
|                      | Hold meetings for public comment (fall 2012)  
|                      | Submit to the SBE for action the report of findings (November 2012/January 2013) | Post list of recommended supplemental instructional materials online (February 2013)  
|                      | Provide ongoing support to the field on issues related to instructional materials and the CCSS (e.g., instructional materials funding, sufficiency) |
# California Department of Education Implementation Activities

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<tr>
<th>Awareness</th>
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<tr>
<td><strong>Curriculum Frameworks</strong></td>
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<tr>
<td>✷ Develop a plan and timeline for the revision of the curriculum frameworks for mathematics and ELA to incorporate and support the CCSS</td>
<td>✷ Submit to the SBE a timeline and general plan for the framework revision and Curriculum Framework and Evaluation Criteria Committee (CFCC) applications for mathematics (January 2012) and ELA (May 2012)</td>
<td>✷ Announce adoption of revised frameworks (November 2013 math; May 2014 ELA)</td>
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<td>✷ Convene four regional focus groups for each framework to gather input on the revision of the framework and submit a report to the SBE (February-March 2013 math; May-June 2013 ELA)</td>
<td>✷ Publish in print and post online the revised curriculum frameworks</td>
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<td>✷ Submit to the SBE the Instructional Quality Commission (IQC)-recommended CFCC applicants and guidance for the revision of the framework (July 2012 math; November 2012 ELA)</td>
<td>✷ Develop and present an introduction of the revised frameworks to LEAs, including presentations at conferences and in Webinars</td>
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<td>✷ Contract with writers/content experts to draft the revised frameworks (2012)</td>
<td>✷ Provide the revised curriculum frameworks in the form of an “app”</td>
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<td>✷ Conduct two 60-day public review periods and make recommendations to the IQC and SBE regarding the comments received (2012 math; 2013 ELA)</td>
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<td>✷ Submit the CFCC-recommended revised curriculum frameworks to the SBE for action (November 2013 math; May 2014 ELA)</td>
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<tr>
<td><strong>Instructional Materials Adoptions</strong></td>
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<tr>
<td>✷ Plan timeline for future CCSS-aligned instructional materials adoptions for kindergarten through grade eight following the July 1, 2015 expiration of legislative suspension</td>
<td>✷ Initiate cycle of new adoptions following the July 1, 2015 expiration of legislative suspension of SBE instructional materials adoptions.</td>
<td>✷ SBE adopts CCSS-aligned instructional materials for mathematics (2016) and ELA (2018)</td>
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<td>✷ Promote increased use of platform-neutral technology-based instructional resources</td>
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## Suggestions and Opportunities for LEAs

|---------|---------|---------|---------|
| ♦ Review current instructional materials and identify material which aligns to CCSS  
♦ Identify CCSS that current materials do not support (use supplemental instructional materials review evaluation criteria for grades K-8) and develop lessons using resources from the library, internet, and primary source documents | ♦ Continue to assess existing instructional materials and supplement them with resources from the library, internet, primary source documents, and materials on the CDE’s supplemental instructional materials list (available fall 2012) to develop CCSS-aligned lessons |  |  |
| ♦ Subscribe to the CDE’s Common Core State Standards Resources Web page listserv to remain apprised of the latest developments in CCSS systems implementation, curriculum frameworks development, and the supplemental instructional materials review process.  
♦ Apply to serve as a member of the Instructional Quality Commission, participate in regional focus groups, or serve as a reviewer of supplemental materials. | ♦ Participate in public comment meetings for supplemental instructional materials (fall 2012)  
| ♦ Participate in public hearings for the revised ELD standards (spring 2012) |  | ♦ Review SBE-adopted new ELD standards |  |
3. Develop and transition to CCSS-aligned assessment systems to inform instruction, establish priorities for professional learning, and provide tools for accountability.

Standards-aligned assessments assist in providing information about student progress towards full attainment of the standards. In a standards-based system, student assessment data is used to inform instructional practice and professional learning activities at the district, school, and classroom level.

On June 9, 2011, California joined the SMARTER Balanced Assessment Consortium (SBAC) as a governing state. The SBAC is a national consortium of 29 states that have been working collaboratively to develop a student assessment system aligned to the CCSS. Of those, California is one of 22 governing states, which allows decision-making participation.

The SBAC is developing a system of online, computer adaptive summative assessments, optional interim assessments, formative resources and tools, professional development resources, and an online reporting system that will allow educators to readily access information regarding student progress toward the standards. California’s educators, along with educators from the other 28 SBAC states, will have the opportunity to provide feedback on draft content specifications, test item development, test scoring, formative tool development, range-finding and score validation, and designing score reports and Web tools.

The SBAC is developing assessments for mathematics and ELA for students in grades 3 through 8 and grade 11. SBAC assessments will not assess students with significant disabilities as they will still take the California Alternate Performance Assessment.

California will continue to address questions regarding the assessment of students in grades 2, 9, and 10 and subjects beyond mathematics and English language arts as it transitions to the next generation of assessments. Pursuant to Assembly Bill 250 (Statutes of 2011), the CDE will work with stakeholders to develop an assessment transition plan that reflects input from the educational field about assessments that are not provided by SBAC. The CDE will present a report regarding the assessment transition to the California State Legislature by November 1, 2012.

To support the transition to the new assessments, the CDE and SBAC will develop Webinars and digital presentations for administrators, teachers, parents, and students to introduce adaptive computer testing and to also help teachers, counselors, and other school service personnel explain individual assessment results to students, parents, and community members.

In addition, the transition to the CCSS, along with the eventual reauthorization of ESEA, will require a redefinition of the school and LEA accountability structure in California. This process will include review and revision of tools created to assist schools and LEAs that fall below established performance targets. The CDE developed the current tools in conjunction with stakeholder groups; these groups, along with representatives from LEAs, will assist in the process of revising them to align with the CCSS and related assessments.
Indicators of Transformation
As the system is transformed, teachers will have access to SBAC formative assessment strategies and tools to use in their classrooms. The formative tools and resources will assist teachers in adjusting instructional strategies as needed. Assessment interpretation resources will help teachers and administrators interpret student results and use the results to inform students and parents about student progress and also to target classroom instruction. Special education staff will be trained on the participation of students with disabilities in the SBAC system and alternate assessments for students with disabilities. Online Web pages will provide pathway access to multiple resources within and outside of the CDE. Professional learning opportunities provided through Webcasts, workshops, and seminars will include assessment and accountability information.
### Guiding Strategy Three

**California Department of Education Implementation Activities**

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<tr>
<th>Awareness</th>
<th>Transition</th>
<th>Implementation</th>
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<tbody>
<tr>
<td>Establish 10 work groups comprised of CDE staff to review and inform SBAC processes (summer 2011)</td>
<td>Maintain involvement with SBAC work groups, guidance, and the field to keep abreast of outreach to the diverse needs of all students</td>
<td>Summative and interim assessments aligned to the CCSS available (2014–15)</td>
</tr>
<tr>
<td>Complete item writing and review activities (summative and interim assessments) (ongoing until 2013–14)</td>
<td>Pilot testing of summative and interim assessments conducted (spring 2013)</td>
<td>Formative resources and tools available online (2014–15)</td>
</tr>
<tr>
<td>Communicate with test vendors regarding revisions of deliverables affected by the changes</td>
<td>Begin field testing of summative and interim assessments (spring 2014)</td>
<td>Administer operational summative assessment (spring 2015)</td>
</tr>
<tr>
<td><strong>SMARTER Balanced Assessment Consortium</strong></td>
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<tr>
<td><strong>Transition to New Assessment System</strong></td>
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<tr>
<td>Collaborate with stakeholders to develop assessment transition plan (2011–12)</td>
<td>Present assessment transition plan to Legislature (November 2012)</td>
<td>Collaborate with Legislature to transition to next generation of assessments</td>
</tr>
<tr>
<td>Assess stakeholder need for professional learning opportunities regarding new assessment system</td>
<td>Plan and deliver professional learning opportunities for all components of the assessment system</td>
<td>Develop additional resources to assist stakeholders in the transition to the new assessment system as needs and opportunities develop</td>
</tr>
<tr>
<td>Establish SBAC page on the CDE Web site (summer 2011)</td>
<td>Maintain and regularly update the SBAC Web page to provide current information regarding the new assessment system</td>
<td>Promote CDE’s SBAC Web page listserv as means of accessing current information and opportunities for stakeholder involvement</td>
</tr>
<tr>
<td>Utilize online technology readiness tool (being developed on behalf of the national assessment consortia) to evaluate current technology and infrastructure of LEAs (March 2012)</td>
<td>Use information from technology readiness tool and input from LEAs to identify technology gaps and develop a plan that identifies strategies to be technologically ready to implement the SBAC assessment system</td>
<td>Implement LEA technology update plan</td>
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<tr>
<td>Suggestions and Opportunities for LEAs</td>
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<tr>
<td><em>Subscribe to CDE’s SBAC Web page listserv to remain apprised of the latest developments and resources for professional learning regarding the new assessment system.</em></td>
<td><em>Monitor CDE’s SBAC Web page for opportunities to participate in pilot testing</em></td>
<td><em>Monitor CDE’s SBAC Web page for opportunities to participate in field testing</em></td>
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<tr>
<td><em>Compare/contrast CCSS with current content standards and begin to incorporate new skills in the CCSS into instructional planning</em></td>
<td><em>Revise existing quizzes, unit exams, and end-of-course exams to assess higher-level thinking, constructed responses, synthesis, and collaboration as indicated in the CCSS</em></td>
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<tr>
<td><em>Visit CAHSEE and STAR’s Web sites for released test questions and constructed responses. Mirror the format into quiz/test questions and weekly writing prompts</em></td>
<td><em>Revisit end-of-chapter/unit questions and quizzes in existing materials and elevate them to higher level thinking. For example, a question may ask, “What tone does the author use in the article?” Elevate the question to, “Which words or phrases set the tone of this article?” Or, “Replace words or phrases to change the tone of this article from impersonal to friendly.” For mathematics, utilize word problems to provide students with opportunities to apply mathematical thinking to real-world challenges.</em></td>
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<tr>
<td><em>Participate in public meetings regarding development of assessment transition plan</em></td>
<td><em>Monitor CDE’s SBAC Web page for information regarding the assessment transition plan</em></td>
<td><em>Promote local awareness of the assessment transition plan, SBAC assessments, and purposes of assessment</em></td>
</tr>
<tr>
<td><em>Utilize online technology readiness tool to evaluate current technology and infrastructure</em></td>
<td><em>Use information from tool to identify technology gaps and develop a plan that identifies strategies to update technology</em></td>
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<tr>
<td><em>Provide opportunities for professional learning to develop understanding of difference between interim assessments and formative practices</em></td>
<td><em>Generate and implement a “Formative Practices Plan” which includes Learning Targets, Criteria for Success, Collecting Evidence, and Documenting Evidence</em></td>
<td><em>Visit SBAC Web site for ideas (formatting, scope) on formative practices and professional development</em></td>
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4. Collaborate with parents, guardians and the early childhood and extended learning communities to integrate the CCSS into programs and activities beyond the K–12 school setting.

The path to academic and personal success begins well before students enter kindergarten, and programs beyond the regular school day can have significant positive effects on student achievement. To support student attainment of the CCSS, the CDE will work closely with parents, guardians, and parent organizations to develop and disseminate tools that provide families with information about the new standards and explain how they are designed to prepare children not for success in career and college, but throughout their K–12 education.

The CDE, with the support of the California Preschool Instructional Network, will also work with parents, guardians, teachers, and the early childhood community to ensure that preschool programs and experiences and transitional kindergarten (TK) curricula provide students with a strong foundation for success with the CCSS when they enter kindergarten. Additionally, the CDE will conduct outreach and professional development activities to enable district administrators, school principals, and after school/extended day program directors to effectively work together to enrich and augment regular day learning experiences related to the CCSS.

The CDE has posted its California Infant/Toddler Learning and Development Foundations and the California Preschool Learning Foundations (early learning foundations) on the CDE web site for easy accessibility and makes presentations at early childhood conferences on both. These early learning foundations are aligned to the CCSS and include ELD foundations for preschool-aged children. The CDE will continue to collaborate with the early childhood community to promote the use of these documents as precursors of the CCSS.

Work is underway to align the preschool foundations to the kindergarten CCSS for the early childhood field. The resulting alignment document will inform the development of TK curricula and best practices.

The CDE will continue to provide technical assistance to inform parents and guardians about how they can be involved in the education of their children and be active participants in assisting their children to meet the CCSS. The CDE will also provide technical to homeless educational programs and private school educators to assist outreach to parents and support to students in school and other settings.

The CDE will support the development of documents and professional development focused on parents, guardians, and the early childhood, after school, adult education, and extended learning communities to integrate the CCSS into programs and activities beyond the K–12 school setting, including technical assistance and translation support.

Indicators of Transformation
California’s early childhood programs will use the early learning foundations, their companion curriculum frameworks, and Desired Results child assessment results to inform curriculum planning and practices leading to more positive child outcomes. Professional learning opportunities will teach early childhood professionals to utilize the early learning foundations and their companion curriculum frameworks, and the use of the documents will be incorporated into early childhood education (ECE) coursework at all California colleges and universities that conduct ECE programs. The early learning foundations-CCSS alignment document will inform TK curricula and best practices. Educational programs that extend beyond the K–12 school day will infuse the CCSS to support student attainment of the standards. Parents, guardians, and the after school/extended learning communities of all students will understand how CCSS will successfully
support their students’ education and how they can participate in shaping local implementation.
### California Department of Education Implementation Activities

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<tr>
<td><strong>Early Childhood Education</strong></td>
<td><strong>Transition</strong></td>
<td><strong>Implementation</strong></td>
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<tr>
<td>✷ Collaborate with partners to offer training on California’s early learning foundations to ECE</td>
<td>✷ Develop a method to ensure that all professional development providers of CDE-sponsored training have deep knowledge of the early learning foundations and how they correspond with their given training content</td>
<td>✷ Provide professional learning opportunities in local early learning communities so that all early childhood professionals will utilize the early learning foundations and their companion curriculum frameworks</td>
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<tr>
<td>✷ Post California’s early learning foundations on the CDE Web site</td>
<td>✷ Release the <em>Infant/Toddler Curriculum Framework</em> (spring 2012)</td>
<td>✷ Develop a certificate system to acknowledge early childhood educators who have completed training or coursework on the full set of early learning foundations; use this system to track the level of implementation</td>
</tr>
<tr>
<td>✷ Develop and Web-post a document that demonstrates alignment between the early learning foundations and the CCSS (fall 2011)</td>
<td>✷ Release the final volume of the <em>Preschool Learning Foundations</em> and its companion <em>Curriculum Framework</em> (fall 2012)</td>
<td>✷ Collaborate with the California Preschool Instructional Network to provide training regarding the implementation of the CCSS for TK with all stakeholders</td>
</tr>
<tr>
<td>✷ Use the early learning foundations to inform development, revision, and updating of resources; reflecting the diversity of California’s youngest children.</td>
<td>✷ Provide training to explain the alignment of the early learning foundations to the CCSS to local child care resource and referral agencies, local child care planning councils, professional development providers, and institutions of higher education</td>
<td>✷ Provide professional learning opportunities in local early learning communities so that all early childhood professionals will utilize the early learning foundations and their companion curriculum frameworks</td>
</tr>
<tr>
<td>✷ Facilitate access to professional learning opportunities on the early learning foundations</td>
<td>✷ Include a chapter containing information regarding alignment between the CCSS and the early learning foundations in the final volume of the <em>Preschool Learning Foundations</em> (fall 2012)</td>
<td>✷ Develop a certificate system to acknowledge early childhood educators who have completed training or coursework on the full set of early learning foundations; use this system to track the level of implementation</td>
</tr>
<tr>
<td><strong>Transitional Kindergarten</strong></td>
<td><strong>Promote the use of the alignment document as a tool to develop TK curricula that supports the CCSS and incorporates developmentally appropriate best practices</strong></td>
<td>✷ Collaborate with the California Preschool Instructional Network to provide training regarding the implementation of the CCSS for TK with all stakeholders</td>
</tr>
<tr>
<td>✷ Develop and Web-post an alignment document that clearly explains how the early learning foundations align with the CCSS and can be used to inform development of TK curricula (winter 2012)</td>
<td>✷ Include a chapter containing information regarding alignment between the CCSS and the early learning foundations in the final volume of the <em>Preschool Learning Foundations</em> (fall 2012)</td>
<td>✷ Collaborate with the California Preschool Instructional Network to provide training regarding the implementation of the CCSS for TK with all stakeholders</td>
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<tr>
<td>✷ Work with contractors to align the kindergarten CCSS to the <em>Preschool Learning Foundations</em></td>
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### Awareness

- Collaborate with stakeholders to develop materials for families of diverse students to promote awareness of the CCSS and resources and strategies that will support student attainment of the standards.
- Incorporate family and community engagement into the professional learning modules, curriculum frameworks, and online resources for educators.

### Transition

- Prepare CCSS systems-related training materials for stakeholders to present to parent groups that include research-based strategies to improve achievement of all students.
- Develop materials to deliver to district administrators, school principals, and after school/extended day program administrators describing opportunities for enriching regular day learning through activities delivered outside the regular school day.
- Develop training and professional development materials on establishing effective working relationships between regular day and after school/extended day programs.

### Implementation

- Provide parents and guardians with information and resources about CCSS through CDE Web pages.
- Communicate with LEAs regarding the availability of professional learning resources that include updated information on family and community engagement as well as instructional strategies to help all students learn, including ELs and students with disabilities.
- Provide professional development to district administrators, school principals, and after school program directors on how to collaborate to incorporate, into after school/extended day programs, activities that enrich and extend the CCSS-related learning initiated during the regular day.
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<tr>
<td>✷ Utilize parent communication structures to share resources on the CDE’s Web site with parents, families, and the local educational community to promote awareness and understanding of the CCSS and new developments regarding CCSS systems implementation. Structures may include:</td>
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<td>✷ School Site Council meetings</td>
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<td>✷ PTA/PTSO meetings</td>
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<td>✷ Back to School Nights</td>
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<td>✷ Parent newsletters</td>
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<td>✷ Local school board meetings</td>
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<td>✷ News releases and letters to the editor of the local newspaper</td>
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<tr>
<td>✷ Review and utilize the <em>California Infant/Toddler Learning and Development Foundations</em>, the <em>California Preschool Learning Foundations</em> and their accompanying curriculum frameworks to inform development and continuous improvement of curriculum and developmentally appropriate CCSS-aligned practices for ECE programs</td>
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<td>✷ Participate in professional learning opportunities related to the <em>California Infant/Toddler Learning and Development Foundations</em>, the <em>California Preschool Learning Foundations</em> and their accompanying curriculum frameworks</td>
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<tr>
<td>✷ Review the alignment document that explains how the early learning foundations align with the CCSS and relate to TK (available winter 2012)</td>
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<tr>
<td>✷ Use the alignment document to support development of developmentally appropriate, CCSS-aligned TK curricula</td>
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<tr>
<td>✷ Participate in professional learning opportunities regarding the implementation of the CCSS for TK and meeting the diverse needs of all children</td>
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<td>✷ Integrate the CCSS into after school programs and extended learning opportunities through alignment with the regular school day to provide academic enrichment and safe constructive alternatives for students</td>
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<tr>
<td>✷ Build partnerships with external stakeholders to provide additional resources to support extended learning opportunities</td>
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</table>
5. Collaborate with the postsecondary and business communities to ensure that all students are prepared for success in career and college.

The CCSS were designed to ensure that every student would be prepared to succeed in career and college. While the standards do not attempt to outline and define everything that makes a student career and college ready, they do define the mathematics and ELA content and skills most students require to be successful in entry-level, credit-bearing academic college courses and in workforce training programs. More students will be better prepared to transition from high school to success in postsecondary education and engagement in a career with full implementation of the CCSS.

To this end, the CDE will work with identified partners to ensure that the K–12, post-secondary, and business communities have a common agreement upon the definition of career and college readiness that includes the CCSS for mathematics and English language arts and will review and revise programs and materials to reflect this definition.

The majority of students will, at some point, participate in the paid workforce, and the purpose of high school is to provide students with the skills to make informed choices about the next steps in their lives once they have earned a high school diploma. In this context, college is defined in the broadest sense to include two- and three-year certification programs, four-year degrees, and graduate degrees.

Many high school Career Technical Education (CTE) programs, in alignment with industry requirements, offer certifications in specific industry sectors. This allows high school graduates to become employed within a specific industry sector immediately upon high school graduation. The CDE will revise the California Career Technical Education Model Curriculum Standards to include CCSS alignment identification, reinforcement, and enhancement. The CDE will facilitate the integration of the CCSS into CTE programs and continue to consult with industry leaders to ensure that the CTE curriculum frameworks reflect an alignment to industry needs as well as an alignment to the CCSS.

The CDE will strengthen connections between K–12 faculty and higher education faculty by ensuring that the higher education community has an advisory role in the SBAC and by determining the role of the CCSS assessment results in college admissions and in determining student readiness for credit bearing courses in the freshman year of college. The CDE will work with postsecondary and career experts to ensure that the SBAC assessments show depth of knowledge and critical thinking skills, use items/questions that mirror real life, and reflect the thinking required in career and college. Additionally, the CDE will collaborate with the University of California, Office of the President, and the Western Association of Schools and Colleges (WASC) to facilitate the alignment of accreditations and A–G course requirements to the CCSS.

The CDE will also provide resources regarding the transition to career and college into professional learning modules and curriculum frameworks designed to support the success of all students. The CDE will facilitate communication with and participation of the higher education community, including leading scholars and researchers, in the development of these resources.

Indicators of Transformation
Stakeholders will have an agreed upon and clear understanding of the purpose of high school and the definition of career and college readiness. Fewer students will need remediation upon entering post-secondary programs, and industries will be able to fill their
positions with a high-quality skilled labor force. CTE students entering postsecondary programs will have mastered the CCSS within an industry sector context and be prepared to successfully continue their studies without need for remediation.

High school teachers will be fluent in the CCSS and their alignment to A–G courses as well as CTE courses. The CDE will take the lead in professional learning opportunities to stay abreast of and maintain growth in the CCSS and related assessments. WASC accreditation will reflect the implementation of the CCSS.

The CCSS as included in the CTE Model Curriculum Standards will promote advisory committee collaboration and serve as a central component of programs of study. This document will influence new courses and lesson plans. Program-related, work-based learning experiences will include the demonstration and application of standards. The 15 CTE Industry Sector Leads will include the revised CTE Model Curriculum Standards in their individual curriculum development projects that serve teachers throughout the state. Conferences, workshops, and other meetings for CTE faculty and other stakeholders will include frequent updates on implementation strategies and resources. CTE stakeholders across the state will participate in regularly scheduled video conferences and Webinars to share implementation strategies and challenges faced by LEAs to inform continuous improvement.
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<tr>
<th>Awareness</th>
<th>Transition</th>
<th>Implementation</th>
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<tr>
<td><strong>Define Career and College Readiness</strong></td>
<td><strong>Participate in a multi-state panel including representatives from the business, K–12, and higher education communities to reach common agreement upon the definition of career and college readiness that includes the CCSS (beginning January 2012)</strong></td>
<td><strong>Revise programs and materials to reflect agreed upon definition of career and college readiness that includes the CCSS (2012)</strong></td>
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<tr>
<td>• Provide briefings on the CCSS and the SBAC to California’s education segment leaders and senior leaders of institutions of higher education utilizing the California Education Round Table (CERT) Intersegmental Coordinating Committee (ICC)</td>
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<td>• Produce and disseminate Web-based information for and directly relevant to the business community</td>
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<tr>
<td>• Consult and collaborate with business and industry stakeholders, such as the California Business Roundtable, to identify the specific 21st century skills related to the CCSS.</td>
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<tr>
<td><strong>Integrate CCSS and CTE</strong></td>
<td><strong>Submit the revised <em>CTE Model Curriculum Standards</em> to the SBE for action (September 2012)</strong></td>
<td><strong>Introduce the revised <em>CTE Model Curriculum Standards</em> at regional professional development events (fall 2012–13)</strong></td>
</tr>
<tr>
<td>• Share information regarding the <em>CTE Model Curriculum Standards</em> revision that includes the CCSS with the advisory committees (comprised of business and industry representatives, postsecondary and secondary faculty) for each of the 15 industry sectors (2011)</td>
<td>• Add application and demonstration to the CTE TEACH program to ensure that CTE teacher candidates and teaching staff across the state have information and strategies necessary to include the CCSS in their programs of study</td>
<td>• Train individual leads from each region to assist the industry sector leads with sustained professional learning opportunities, answer questions and assist with new program startups utilizing the documents</td>
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<tr>
<td>• Revise the <em>CTE Model Curriculum Standards</em> to include CCSS alignment identification, reinforcement, and enhancement (2011-2012)</td>
<td>• Develop the programs, notifications, and dissemination methods to unveil the <em>CTE Model Curriculum Standards</em> (fall 2012)</td>
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Suggestions and Opportunities for LEAs

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<tr>
<td>✷ Conduct professional learning activities that promote awareness of the new definition of career and college readiness</td>
<td>✷ Revise programs and materials to reflect new definition of career and college readiness that includes the CCSS and promote awareness of the new definition</td>
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<tr>
<td>✷ Monitor/participate in revision of the <em>CTE Model Curriculum Standards</em> to include CCSS alignment</td>
<td>✷ Participate in professional learning events introducing the revised <em>CTE Model Curriculum Standards</em></td>
<td>✷ Develop new courses, lesson plans, and work-based experiences that include the demonstration and application of the revised <em>CTE Model Curriculum Standards</em></td>
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<tr>
<td>✷ Monitor/participate in California Business Roundtable, to identify the specific 21st century skills related to the CCSS</td>
<td>✷ Identify, through CDE resources, the availability of business and industry resources for targeted 21st century skills as they relate to the CCSS</td>
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<tr>
<td>✷ Participate in professional learning opportunities regarding secondary transition and the CCSS to prepare all students, including students with disabilities, English learners, and underperforming students, for career and college</td>
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<td>✷ Seek opportunities for students to engage in events at local community colleges</td>
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<td>✷ Provide and promote participation in Advancement Via Individual Determination classes</td>
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<td>✷ Encourage students to participate in the Early Assessment Program</td>
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<td>✷ Invite business leaders to speak to students in grades 6-12, elaborating on 2-3 specific standards and their role in possible careers</td>
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<tr>
<td>✷ Include counselors in discussions regarding career and college readiness to ensure comprehensive school implementation of the CCSS</td>
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</table>
6. Seek, create, and disseminate resources to support stakeholders as CCSS systems implementation moves forward.

California must foster a well-educated population in order to compete in the global economy. Proper and appropriate funding for education is an investment where the returns are exponential. Students and educators must have access to the tools and resources necessary for students to achieve the CCSS.

The CDE will be responsible for working with the United States Department of Education, California State Legislature, and Governor to align state and federal fiscal resources to support implementation activities. These efforts will focus on the fact that these resources must be both adequate and sustained in order to realize State and LEA CCSS systems implementation efforts. Additionally, the CDE will promote both state and federal legislative support to provide LEAs with the flexibility they need to engineer successful local educational programs.

The CDE will secure and disseminate local assistance and state operational resources and leverage partnerships with California-based and multi-state organizations to develop new tools and resources to support stakeholders in the implementation of the CCSS. Specifically, California will continue to coordinate with the Council of Chief State School Officers to ensure participation in State Collaborative on Assessment and Student Standards-Implementing the Common Core System meetings to seek solutions to the challenges of CCSS systems implementation and identify resources and effective implementation strategies that can be adapted to California.

The CDE will seek out and coordinate technology support and partnerships that will assist LEAs as they incorporate new technologies into instruction. While providing leadership and coordinating efforts, the CDE will encourage and actively pursue regular participation and contribution by stakeholders at statewide, regional, and local levels.

The CDE will offer extensive resources to train LEAs in understanding federal and state legal requirements, use of data, implementation of aligned instructional programs for all students, and application of these resources in Web-enabled environments. Examples include: maintenance of the Compensatory Education instrument used in Federal Program Monitoring; technical assistance to LEAs in the design, implementation, and evaluation of Title I services; use of the Consolidated Application; and preparation, revision, and implementation of the LEA Plan and corollary activities for the Single Plan for Student Achievement (SPSA).

Indicators of Transformation
Proper and adequate funding will support implementation activities. Technology will be readily available for LEAs to employ at any level as a resource for instruction and assessment. Updated monitoring tools and associated resources will be available. State and legislation will anticipate LEA and student needs and provide all necessary guidance and support, focused on local flexibility.
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<tr>
<th>Awareness</th>
<th>Transition</th>
<th>Implementation</th>
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<tbody>
<tr>
<td>Funding</td>
<td>Identify state and federal funds currently available for use in CCSS systems implementation</td>
<td>Develop a detailed fiscal analysis of the costs associated with CCSS systems implementation (fall 2012)</td>
</tr>
<tr>
<td></td>
<td>Establish fiscal boundaries and timelines for the development of specific programmatic resources</td>
<td>Work with local, state, and federal elected officials to highlight the ongoing need for implementation resources</td>
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<td></td>
<td>Seek funding from the United States Department of Education and private educational foundations to support CCSS implementation efforts</td>
<td>Advocate for new grant funding opportunities</td>
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<td></td>
<td>Seek funding from state government to support implementation efforts</td>
<td>Inform LEAs of appropriate use of federal supplemental funds (i.e., Title I, Title III, special education) in purchasing CCSS-aligned supplemental instructional materials and for other implementation activities</td>
</tr>
<tr>
<td>Legislation</td>
<td>Review current laws related to all programs requiring CCSS implementation activities</td>
<td>Propose follow-up legislation as needed to facilitate CCSS systems implementation</td>
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<tr>
<td>Goals</td>
<td>Awareness</td>
<td>Transition</td>
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<td></td>
<td>Review and revise existing CDE policies, documents, and Web pages to align to the CCSS</td>
<td>Promote external reviews of existing policies, documents, program evaluation tools, and Web pages to align to the CCSS</td>
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<tr>
<td></td>
<td>Review and revise documents/policies related to access of the core curriculum</td>
<td>Develop and revise online LEA plan and SPSA templates and needs assessment tools (currently Academic Program Surveys, District Assistance Surveys, English Learner Subgroup Self Assessment, Inventory of Services and Support for Students with Disabilities) and K–12 Improvement Web-portals to support implementation of CCSS and any new ESEA legislated priorities</td>
</tr>
<tr>
<td></td>
<td>Initiate review and revision of all tools for compliance monitoring and program effectiveness</td>
<td>Collaborate with stakeholders to research and develop resources to support educational staff, teachers, and administrators in creating educational settings that promote the CCSS, including providing resources and technical assistance relating to professional learning, LEA Plan development, SPSA development, and other similar activities related to schools and districts served by ESEA Titles I, II, and III</td>
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### Suggestions and Opportunities for LEAs

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<tbody>
<tr>
<td>Identify potential state and federal funds currently available for use in CCSS systems implementation</td>
<td>Utilize Title II, Part A funds for professional learning activities</td>
<td>Inform program staff of appropriate use of federal supplemental funds (i.e., Title I, Title III, special education) in purchasing CCSS-aligned supplemental instructional materials and for other implementation activities</td>
<td>Monitor/seek funding opportunities from state government to support implementation efforts</td>
</tr>
<tr>
<td>Seek funding from private foundations for implementation projects</td>
<td>Establish fiscal boundaries and timelines for the development and/or acquisition of specific programmatic resources</td>
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</table>

- Review and revise existing LEA policies, documents, and Web pages to align to the CCSS and accessing the core curriculum
- Research and develop resources to support educational staff, teachers, and administrators on how to provide educational settings to promote CCSS, including resources relating to:
  - professional learning
  - LEA Plan development
  - SPSA development
  - additional activities related to Title I schools and districts
- Participate in state level workshops for the Compensatory Education Instrument requirements for Title I, Part A, and the use of data to prepare for FPM
7. Design and establish systems of effective communication among stakeholders to continuously identify areas of need and disseminate information.

California’s public schools serve more than 6.2 million ethnically, culturally, and linguistically diverse students along with their families and communities. Fortunately, there are a number of well-established alliances and infrastructures that allow effective communication and collaboration with our various education stakeholders. The CDE will utilize these structures; which include county offices of education, educator professional associations, and additional stakeholder organizations; to facilitate communication, collaboration, and feedback during the implementation of the CCSS system.

California constructed its CCSS Systems Implementation Plan using information collected from internal and external stakeholders during CCSS-related meetings, conferences, and webinars. The CDE will continue to collect feedback to inform the ongoing expansion of the plan using these venues but is also committed to improving current methods of reciprocal communication through the development of a comprehensive communications outreach plan. The plan will incorporate a variety of strategies to identify and meet the information needs of all stakeholders and will include various forums and technologies for ongoing needs identification and open dialogue.

In the meantime, the CDE will continue to collaborate with all stakeholders to collect and disseminate information about the CCSS and aligned assessments. The CDE will continually update the CCSS Resources Web page and provide current information about the CCSS and related high quality resources. Similarly, the CDE has established an SBAC Web page to provide current information about the development of SBAC assessments. A listserv is available for each of these pages. The Professional Development Opportunities Web page will provide information regarding CCSS-related professional learning activities. The CDE will also utilize Taking Center Stage and other additional web-based venues for information dissemination and public participation. The CDE will update the pages regularly as new information and resources emerge. As implementation activities progress, the CDE will utilize State Superintendent of Public Instruction news releases, media advisories, speeches, and events to apprise stakeholders of California’s CCSS implementation activities.

Indicators of Transformation
Stakeholders may access CCSS systems implementation information and resources via a variety of communication venues and provide feedback and participate at every stage of the implementation process. The CDE Web pages regarding CCSS systems activities will include expanding collections of resources. The CCSS Systems Implementation Plan will serve as a guide for implementation activities and as the guiding document for LEAs in the development of their own local plans. Comprehensive, user-friendly systems will be in place to continuously elicit feedback and identify needs and ensure the delivery of timely and useful information to the field.
<table>
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<tr>
<th>Guiding Strategy Seven</th>
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<tr>
<td>California Department of Education Implementation Activities</td>
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<tr>
<th>Awareness</th>
<th>Transition</th>
<th>Implementation</th>
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<tbody>
<tr>
<td>CCSS Systems Implementation Plan</td>
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<tr>
<td>✷ Utilize meetings and webinars to provide information regarding CCSS systems implementation activities and collect information from stakeholders regarding local needs</td>
<td>✷ Post CCSS Systems Implementation Plan for California on the CDE Web site (spring 2012)</td>
<td>✷ Maintain and expand Web-based CCSS Systems Implementation Plan for California interactive tool as implementation progresses</td>
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<td>✷ Use input from internal and external stakeholders to create a comprehensive plan for CCSS systems implementation (winter 2012)</td>
<td>✷ Implement feedback systems, conduct evaluations, and provide additional resources and tools in response to stakeholder feedback</td>
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<td>✷ Design and establish systems to support effective execution of the plan (spring 2012)</td>
<td>✷ Continuously collaborate with and elicit feedback from stakeholders to identify emerging needs and opportunities and refine implementation strategies</td>
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<td>✷ Prepare materials, resources, and presentations for webinars to stakeholder groups on the CCSS implementation plan (spring 2012)</td>
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<tr>
<td>Communications Plan</td>
<td>✷ Design Web-based CCSS Systems Implementation Plan for California interactive tool</td>
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<td></td>
<td>✷ Design systems to collect, analyze, evaluate, and distribute feedback and information regarding emerging needs and opportunities</td>
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<td>✷ Options may include surveys, e-mail communications, Webinars, stakeholder meetings</td>
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<td>✷ Use data from communication preferences needs assessment to design and implement comprehensive communications/outreach plan (spring 2012)</td>
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<td>✷ Design systems to collect, analyze, evaluate, and distribute feedback and information regarding effectiveness of communications</td>
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<td>✷ Conduct needs assessment to identify communication preferences (e.g., listservs, newsletters, Webinars, meetings) of stakeholders (spring 2012)</td>
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<td>✷ Implement feedback systems, conduct evaluations, and modify and expand methods of communication as needed</td>
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### Web-Based Communications

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<th>Awareness</th>
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<th>Implementation</th>
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</table>
| † Collaborate with stakeholders to develop CCSS Resources Web page to provide the latest information and high-quality resources (summer 2010)  
† Plan and develop SBAC Web page to provide detailed and comprehensive information about the SBAC (summer 2011)  
† Utilize CDE on iTunes U to disseminate resources and promote promising CCSS systems implementation practices (summer 2010)  
† Repurpose the Professional Development Opportunities Web page to support CCSS systems implementation (March 2012)  
† Identify additional existing pages that may be utilized to disseminate information  
† Establish listservs to disseminate timely information regarding CCSS implementation activities (2011) | † Review and update identified Web pages as implementation activities progress  
† Expand internal and external collaborations through the development and sharing of effective resources and tools  
† Add stakeholders to listservs as needed | † Disseminate resources for stakeholders on a regular basis to communicate the newest information on expanding professional learning support, aligning curriculum and instruction, and developing assessments  
† Maintain Web pages and promote and expand listservs  
† Consider additional web-based venues for information dissemination and public participation |
Guiding Strategy Seven

Suggestions and Opportunities for LEAs

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<tr>
<td>♦ Subscribe to the CDE’s CCSS Resources Web page listserv to remain apprised of the latest developments in CCSS systems implementation</td>
<td>♦ Monitor the CDE’s CCSS Resources and SBAC Web pages regularly and share new information with members of the local educational community as appropriate</td>
<td>♦ Use input from local stakeholders and the CCSS Systems Implementation Plan for California to create a comprehensive LEA-wide plan for CCSS systems implementation</td>
<td>♦ Continuously collaborate with and elicit feedback from stakeholders</td>
</tr>
<tr>
<td>♦ Subscribe to the CDE’s SBAC Web page listserv to remain apprised of the latest developments in the SBAC assessment system</td>
<td>♦ Utilize existing communication structures to disseminate information regarding CCSS systems implementation activities</td>
<td>♦ Post local implementation plan on the LEA Web site</td>
<td>♦ Refine local implementation strategies</td>
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<td>♦ Identify existing stakeholder communication structures</td>
<td>♦ Staff meetings</td>
<td>♦ Link to the statewide implementation plan</td>
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<td>♦ Identify local stakeholders who will receive communications regarding implementation of CCSS systems</td>
<td>♦ School Site Council meetings</td>
<td>♦ Design and establish communications systems to identify emerging needs and opportunities and support effective implementation of the local CCSS implementation plan</td>
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<td>♦ PTA/PTSO meetings</td>
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<td>♦ Newsletters</td>
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<td>♦ Webinars</td>
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<td>♦ Local school board meetings</td>
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<td>♦ Letters to the editor</td>
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<td>♦ News releases</td>
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<td>♦ Support intradepartmental communication during implementation activities</td>
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Appendix A: Local CCSS Systems Implementation Plan Template

Each of California’s LEAs should develop its own local plan for CCSS systems implementation based on local needs and resources. To facilitate the process of local plan development, this section of the document offers a template organized around the significant milestones of CCSS systems implementation. The template denotes full implementation of CCSS systems by the 2014-2015 school year. LEAs may wish to augment their local plans with elements from the Suggestions and Opportunities for LEAs charts distributed throughout the document or delete elements as appropriate to create a plan that is tailored to local needs.
## Appendix A: Local CCSS Systems Implementation Plan Template

<table>
<thead>
<tr>
<th>2011-2012</th>
<th>CDE/SBE Activity</th>
<th>LEA Activity</th>
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</table>
| **Fall**  | *A Look at Kindergarten Through Grade Six in California Public Schools released* | • Begin development of local implementation plan based on full implementation of the CCSS system in 2014-2015  
• Conduct local needs assessment to identify needs and set priorities for professional learning and develop local professional learning plan based on identified needs and full implementation in 2014-15  
  • *Suggested Area of focus:*  
    • Working in grade-level teams, compare/contrast the CCSS with the 1997 content standards and begin to incorporate new skills in the CCSS into instructional planning  
• Subscribe to the CDE’s CCSS Resources and SBAC Web pages listservs to remain apprised of the latest developments and resources related to CCSS systems implementation  
• Review and utilize professional learning resources available on CDE-hosted or sponsored web portals including archived webinars and presentations on CDE on iTunes U  
• Utilize CCSS professional learning resources offered by professional organizations, California Subject Matter Projects, and your county office of education  
• Identify CCSS that current materials do not support (use supplemental instructional materials review evaluation criteria for grades K-8) and develop lessons using resources from the library, internet, and primary source documents |
| **Winter** | • Establish design team to develop guidelines for professional learning modules (January)  
• Convene education experts to update the ELD standards (April-June)  
• Evaluation criteria for supplemental instructional materials review approved by SBE* (January)  
• Timeline and general plan for revision of the mathematics curriculum framework approved by the SBE* (January) | • Provide opportunities for professional learning to develop understanding of difference between interim assessments and formative practices  
• Visit STAR Web site for released test questions and constructed responses. Mirror the format into quiz/test questions and weekly writing prompts |
| **Spring** | • Online technology readiness tool available (March)  
• Timeline and general plan for revision of the English language arts curriculum framework approved by the SBE* (May-projected) | • Utilize online technology readiness tool to evaluate current technology and infrastructure |
### 2011-2012

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<th>CDE/SBE Activity</th>
<th>LEA Activity</th>
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<tr>
<td><strong>Summer</strong></td>
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<tr>
<td>• 4 professional learning modules released (July)</td>
<td>• Review new professional learning modules from the CDE and incorporate new strategies into unit/lesson plans for 2012-2013</td>
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<td>• Use information from technology readiness tool to identify technology gaps and develop a plan that identifies strategies to update technology</td>
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### 2012-2013

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<th>CDE/SBE Activity</th>
<th>LEA Activity</th>
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</thead>
<tbody>
<tr>
<td><strong>Fall</strong></td>
<td></td>
</tr>
<tr>
<td>• Revised ELD standards adopted* (September/November-projected)</td>
<td>• Support ongoing professional learning to promote transition to the CCSS based upon priorities established in local plan</td>
</tr>
<tr>
<td>• Revised <em>CTE Model Curriculum Standards</em> adopted* (September-projected)</td>
<td></td>
</tr>
<tr>
<td>• Assessment transition plan presented to the Legislature (November)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• ELA: text complexity, text-based questions and tasks</td>
</tr>
<tr>
<td></td>
<td>• General: develop structures for interdepartmental collaboration to improve student literacy across the content areas, revised <em>CTE Model Curriculum Standards</em></td>
</tr>
<tr>
<td></td>
<td>• Continue to assess existing instructional materials and supplement them with resources from the library, internet, and primary source documents to develop CCSS-aligned lessons</td>
</tr>
<tr>
<td><strong>Winter</strong></td>
<td></td>
</tr>
<tr>
<td>• List of recommended supplemental instructional materials posted online* (February-projected)</td>
<td>• Revise existing quizzes, unit exams, and end-of-course exams to assess higher-level thinking, constructed responses, synthesis, and collaboration as indicated in the CCSS</td>
</tr>
<tr>
<td>• Plan and deliver professional learning opportunities for all components of the assessment system</td>
<td>• Review and utilize the CDE’s supplemental instructional materials list to supplement existing instructional materials</td>
</tr>
<tr>
<td><strong>Spring</strong></td>
<td></td>
</tr>
<tr>
<td>• Pilot testing of SBAC summative and interim assessments</td>
<td>• Generate and implement a “Formative Practices Plan” which includes Learning Targets, Criteria for Success, Collecting Evidence, and Documenting Evidence</td>
</tr>
<tr>
<td><strong>Summer</strong></td>
<td></td>
</tr>
<tr>
<td>• 8-10 professional learning modules released (September)</td>
<td>• Review new professional learning modules from the CDE and incorporate new strategies into unit/lesson plans for 2013-2014</td>
</tr>
<tr>
<td></td>
<td>• Begin implementation of technology plan</td>
</tr>
</tbody>
</table>

* Indicates activity which requires SBE action
## Appendix A: Local CCSS Systems Implementation Plan Template

<table>
<thead>
<tr>
<th>2013-2014</th>
<th>CDE/SBE Activity</th>
<th>LEA Activity</th>
</tr>
</thead>
</table>
| **Fall**  | • Mathematics curriculum framework released* (November) | • Support ongoing professional learning to promote transition to the CCSS based upon priorities established in local plan  
  - *Suggested Areas of focus*:  
    • Mathematics: modeling  
    • ELA: collaborative conversations  
    • General: revised ELD standards, effective utilization of technology and media  
  • Utilize the mathematics curriculum framework as a blueprint for implementation of the mathematics CCSS  
  • Promote local awareness of the assessment transition plan, SBAC assessments, and purposes of assessment |
| **Winter** | • Promote mathematics curriculum framework | • Revisit end-of-chapter/unit questions and quizzes in existing materials and elevate them to higher level critical thinking  
  • Include performance task assessments for end of unit/chapter assessment  
  • For mathematics, utilize word problems to provide students with opportunities to apply mathematical reasoning to real-world challenges |
| **Spring** | • ELA curriculum framework released* (May)  
  • Field testing of summative and interim assessments | • Promote awareness of the new ELA curriculum framework and utilize in professional learning opportunities as appropriate  
  • Visit SBAC’s Web pages for information about summative and interim field tests |
| **Summer** | • Promote ELA curriculum framework | • Implement local technology plan  
  • Utilize the ELA curriculum framework as a blueprint for implementation of the ELA CCSS |

* Indicates activity which requires SBE action
### Appendix A: Local CCSS Systems Implementation Plan Template

<table>
<thead>
<tr>
<th>2014-2015</th>
<th>CDE/SBE Activity</th>
<th>LEA Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fall</strong></td>
<td>• Provide professional learning opportunities and technical assistance to support full implementation of the CCSS based upon needs assessment</td>
<td>• Provide professional learning to support full implementation of the CCSS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• <em>Suggested areas of focus:</em></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Mathematics: support content shifts in K-8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• ELA: writing informational text</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• General: transition to SBAC assessments</td>
</tr>
<tr>
<td><strong>Winter</strong></td>
<td>•</td>
<td>• Ensure that technology is in place to administer SBAC assessments</td>
</tr>
<tr>
<td><strong>Spring</strong></td>
<td>• Operational summative assessment administered</td>
<td>• Debrief with staff and students all elements of the SBAC summative assessment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Using feedback from debriefing, start planning adjustments to instruction and curriculum, formative practices, site-based assessments, expectations, learning goals, student/parent involvement, and all stakeholders’ role for improvement next year</td>
</tr>
<tr>
<td><strong>Summer</strong></td>
<td>•</td>
<td>• Create site-based plan for professional learning to ensure continuous improvement of instruction and a higher level of academic achievement for all students</td>
</tr>
<tr>
<td><strong>2015+</strong></td>
<td>CDE/SBE Activity</td>
<td>LEA Activity</td>
</tr>
<tr>
<td></td>
<td>• Provide professional learning opportunities and technical assistance to support full implementation of the CCSS based upon needs assessment</td>
<td>• Implement site-based plan with regular progress monitoring and reflection</td>
</tr>
<tr>
<td></td>
<td>• Instructional materials adoptions* (math 2016, ELA 2018)</td>
<td></td>
</tr>
</tbody>
</table>

* Indicates activity which requires SBE action
Appendix B: County Offices of Education Service Offerings

County superintendents and their staff are committed to assisting in the important work ahead to successfully and thoughtfully implement CCSS. Counties have tremendous expertise to offer in developing products and training and their relationship with their school districts places them in a unique position to assist in planning and in reaching classroom teachers. Counties provide localized common quality professional development statewide, whether at the overview level or a deeper dive into specific subject matter, and have developed training materials that prepare teachers to transition to the CCSS. Counties may also provide assistance in implementing the CCSS by:

- Working with PI schools and their districts through the Regional System for District and School Support (RSDSS) and other county technical assistance work to revise school and LEA plans and addendums
- Aligning the Advancement Via Individual Determination (AVID) curriculum and training through the AVID centers in county offices
- Working through the Title III regional leads to assist LEAs that have failed to meet their annual measurable achievement objectives (AMAO)
- Working through the After School regional leads in county offices to align training with the CCSS
- Working through the California Preschool Instructional Network (CPIN) to include alignment of TK with the preschool foundations and CCSS
- Hosting focus sessions on revisions of frameworks, ELD standards, CTE standards and other key issues and documents

The information in Appendix B was provided by California County Superintendents Educational Services Association for inclusion in the CCSS systems implementation plan specifically to highlight how COEs can assist local districts. School districts and the students they serve will benefit significantly when CCSS implementation efforts are coordinated at the local, county, and statewide levels.
Appendix B: County Offices of Education Service Offerings

2011-2012

Fall

• **Professional Development:**
  - Provide overviews of the CCSS by using the CCSESA CCSS Communication tools and modules that have been individually developed by county office of education - these overviews can be done through workshops, county seminars or on-line trainings.
  - Work with districts to analyze and understand the components of the standards through the use of crosswalks.
  - Begin to include awareness of the CCSS in after-school trainings.

• **Technical Assistance:**
  - Assist PI districts and schools through RSDSS and other county technical assistance work in analyzing the CCSS and including the CCSS in LEA plans and LEA plan Addendums.

Winter

• **Professional Development:**
  - Participate on the AB 250 design team to develop guidelines and assist with prioritizing the professional development modules.
  - Continue to develop new PD modules (on-line and face-to-face) and provide professional development to LEAs using county developed tool kit and modules.
  - Begin to include awareness of the CCSS in after-school trainings.
  - Provide overviews and seminars of SBAC, the assessment features and assessment sample questions.

• **Technical Assistance:**
  - Assist LEAs in developing transition plans for CCSS implementation.
  - Assist PI districts and schools through RSDSS and other county technical assistance work in analyzing the CCSS and including the CCSS in LEA plans and LEA plan Addendums.
  - Work with the AVID Centers to ensure that training is provided about the AVID crosswalk between the AVID Curriculum and the CCSS.
  - Assist CDE in recruiting educators to work on the ELD standards and the mathematics framework.
  - Assist CDE in the development of the ELD Standards aligned to the CCSS.
  - As drafts of the ELD standards are released provide opportunities for focus groups of LEA staff to provide feedback to the standards.

Spring

• **Professional Development:**
  - Provide TOTs of CDE’s professional development modules using CDE developed training materials and provide the training for small LEAs.
  - Include awareness of the CCSS in after-school trainings including the newly developed SELLASP modules.
  - Begin to develop after-school trainings around the CCSS
  - Provide afterschool training with county developed modules, such as the Student Success Through After School Programs.
  - Continue to develop new county PD modules (on-line and face-to-face) and provide professional development to LEAs using county developed tool kit and modules.
  - Provide overviews and seminars of SBAC, the assessment features and assessment sample questions.

• **Technical Assistance:**
  - Assist CDE in the development of the ELD Standards aligned to the CCSS.
### 2011-2012

|  | As drafts of the ELD standards are released provide opportunities for focus groups of LEA staff to provide feedback to the standards. |
|  | Support CDE in assisting LEAs with use of technology readiness tool. |
|  | Assist LEAs in developing and implementing transition plans for CCSS implementation and prioritizing work. |
|  | Assist PI districts and schools through RSDSS and other county technical assistance work in analyzing the CCSS and including the CCSS in LEA plans and LEA plan Addendums. |
|  | Work with the AVID Centers to ensure that training is provided about the AVID crosswalk between the AVID Curriculum and the CCSS. |

### Summer

- **Professional Development:**
  - Provide afterschool training with county developed modules.
  - Provide TOTs of CDE's professional development modules using CDE developed training materials and provide the training for small LEAs.
  - Continue to develop new county PD modules (on-line and face-to-face) and provide professional development to LEAs using county developed tool kit and modules.
  - Develop professional development concerning the CCSS for superintendents and local school boards

- **Technical Assistance:**
  - Assist CDE and LEAs with analysis of technology readiness tool and assist in the identification of technology gaps.
  - Assist CDE in the development of the ELD Standards aligned to the CCSS.
  - As drafts of the ELD standards are released provide opportunities for focus groups of LEA staff to provide feedback to the standards.
  - Assist LEAs in developing and implementing transition plans for CCSS implementation and prioritizing work.
  - Assist PI districts and schools through RSDSS and other county technical assistance work in analyzing the CCSS and including the CCSS in LEA plans and LEA Plan Addendums.
  - Work with the AVID Centers to ensure that training is provided about the AVID crosswalk between the AVID Curriculum and the CCSS.
  - Confer with CDE concerning progress made on implementation plan and necessary adjustments and survey local LEAs about needs for the coming year.

### 2012-2013

**Fall**

- **Professional Development:**
  - Provide afterschool training with county developed modules.
  - Continue to provide TOTs of CDE's professional development modules using CDE developed training materials and provide the training for small LEAs.
  - Continue to develop new county PD modules (on-line and face-to-face) and provide professional development to LEAs using county developed tool kit and modules.
  - Provide training through the California Preschool Instructional Network on a crosswalk between the preschool foundations and the CCSS developed by CDE
  - Implement CCSS professional learning for superintendents and local school boards
### Appendix B: County Offices of Education Service Offerings

#### 2012-2013

- Provide overviews and seminars of SBAC, the assessment features and assessment sample questions.
- Begin to develop an assessment component of the County Common Core Tool Kit
- Assist CDE in gathering feedback and conducting LEA focus groups on the Assessment Transition Plan for submission to the State Legislature.

**Technical Assistance:**
- Assist CDE in a roll out of information about the newly revised ELD standards.
- Assist Title III LEAs that have failed to meet their AMAOs with inclusion of the CCSS standards and newly revised ELD standards.
- Support CDE in ensuring that any TK curriculum and instruction materials that are produced are aligned to the CCSS
- Assist LEAs in developing and implementing transition plans for CCSS implementation and prioritizing work.
- Assist PI districts and schools through RSDSS and other county technical assistance work in analyzing the CCSS and including the CCSS in LEA plans and LEA Plan Addendums.
- Work with the AVID Centers to ensure that training is provided about the AVID crosswalk between the AVID Curriculum and the CCSS.

#### Winter

**Professional Development:**
- Support CDE in the planning and delivery (perhaps TOTs) of the professional development for all components of the assessment system
- Continue work on the assessment component of the County Common Core Toolkit.
- Provide afterschool training with county developed modules.
- Provide TOTs of CDE’s new (beyond the original 4 - 6) professional development modules using CDE developed training materials and provide the training for small LEAs.
- Continue to develop new county PD modules (on-line and face-to-face) and provide professional development to LEAs using county developed tool kit and modules.
- Provide training through the California Preschool Instructional Network on a crosswalk between the preschool foundations and the CCSS developed by CDE
- Implement CCSS professional learning for superintendents and local school boards

**Technical Assistance:**
- Continue assisting with the rollout of the ELD standards
- Review the Title III plans with LEAs that failed their AMAOs to ensure inclusion of the CCSS standards and newly revised ELD standards
- Assist LEAs with implementing and adjusting their transition plans
- Assist PI districts and schools through RSDSS and other county technical assistance work in analyzing the CCSS and including the CCSS in LEA plans and LEA Plan Addendums.
- Provide instructional material fairs for the newly adopted supplemental instructional materials
- Work with the AVID Centers to ensure that training is provided about the AVID crosswalk between the AVID Curriculum and the CCSS and shared throughout the county programs
- Support CDE in ensuring that any TK curriculum and instruction materials that are produced are aligned to the CCSS
## Appendix B: County Offices of Education Service Offerings

### 2012-2013

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Service Offerings</th>
</tr>
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</table>
| **Spring**  | Professional Development:  
- Participate in the revision of the CTE Model Curriculum Standards for CCSS alignment  
- Provide opportunities for focus groups of LEA staff to provide feedback to the standards as drafts of the CTE standards are released.  
- Provide afterschool training with county developed modules  
- Continue to develop new county PD modules (on-line and face-to-face) and provide professional development to LEAs using county developed tool kit and modules.  
- Develop county-owned professional development on revising existing quizzes, unit exams, and end of course exams to assess higher level thinking, constructed responses, synthesis and collaboration as indicated in the CCSS.  
- Support CDE in the delivery (perhaps TOTs) of the professional development for all components of the assessment system  
- Release the assessment component of the County Common Core Toolkit by providing a TOT for counties.  
- Support CDE in the roll out of the revised CTE Model Curriculum Standards professional development  

Technical Assistance:  
- Assist LEAs with implementing and adjusting their transition plans  
- Assist PI districts and schools through RSDSS and other county technical assistance work in analyzing the CCSS including the needs for SBAC and implementing their LEA plans and Addendums.  
- Provide instructional material fairs for the newly adopted supplemental instructional materials  
- Work with the AVID Centers to ensure that training is provided about the AVID crosswalk between the AVID Curriculum and the CCSS and shared throughout the county programs  
- Assist CDE in gathering feedback concerning mathematics framework draft  
- Assist CDE in recruiting members of the ELA development team. |
| **Summer**   | Professional Development:  
- Support CDE in the delivery (perhaps TOTs) of the professional development for all components of the assessment system  
- Provide training in the new assessment component of the County Common Core Toolkit  
- Develop county-owned professional development on revising existing quizzes, unit exams, and end of course exams to assess higher level thinking, constructed responses, synthesis and collaboration as indicated in the CCSS.  
- Develop professional development about the SBAC for superintendents and local school boards  
- Provide afterschool training with county developed modules  
- Provide TOTs of CDE's new professional development modules using CDE developed training materials and provide the training for small LEAs.  
- Support CDE in the roll out of the revised CTE Model Curriculum Standards professional development  

Technical Assistance:  
- Assist LEAs with implementing and adjusting their transition plans  
- Assist PI districts and schools through RSDSS and other county technical assistance work in analyzing the CCSS including the needs for SBAC.
Appendix B: County Offices of Education Service Offerings

2012-2013

and implementing their LEA plans and Addendums.
- Provide instructional material fairs for the newly adopted supplemental instructional materials
- Work with the AVID Centers to ensure that training is provided about the AVID crosswalk between the AVID Curriculum and the CCSS
- Assist CDE in gathering feedback concerning mathematics framework draft.
- Confer with CDE concerning progress made on implementation plan and necessary adjustments and survey local LEAs about needs for the coming year.

2013-2014

Fall

- Professional Development:
  - Support CDE in the delivery (perhaps TOTs) of the professional development for all components of the assessment system
  - Provide training in the new assessment component of the County Common Core Toolkit
  - Implement SBAC professional learning for superintendents and local school boards
  - Provide trainings with the new PD modules
  - Support CDE in the roll out of the revised CTE Model Curriculum Standards professional development
  - Implement county-owned professional development on revising existing quizzes, unit exams, and end of course exams to assess higher level thinking, constructed responses, synthesis and collaboration as indicated in the CCSS

- Technical Assistance:
  - Assist CDE in developing a plan to roll out the New Mathematics Framework with particular focus on high school course pathways
  - Assist LEAs with implementing and adjusting their transition plans and continuing to prioritize work
  - Assist PI districts and schools through RSDSS and other county technical assistance work in analyzing the CCSS including the needs for SBAC and implementing their LEA plans and Addendums.
  - Work with the AVID Centers to ensure that training is developed to support math HS course pathways in AVID programs

Winter

- Professional Development:
  - Support CDE in the delivery (perhaps TOTs) of the professional development for all components of the assessment system
  - Provide training in the new assessment component of the County Common Core Toolkit
  - Implement SBAC professional learning for superintendents and local school boards
  - Develop and implement professional development concerning the new HS mathematics pathways
  - Implement county-owned professional development on revising existing quizzes, unit exams, and end of course exams to assess higher level thinking, constructed responses, synthesis and collaboration as indicated in the CCSS.
  - Provide trainings with the new PD modules
  - Support CDE in the roll out of the revised CTE Model Curriculum Standards professional development

- Technical Assistance:
  - Assist CDE in rolling out the new mathematics framework
Appendix B: County Offices of Education Service Offerings

2013-2014

- Assist CDE in gathering feedback for the draft of the new ELA framework
- Assist LEAs with implementing and adjusting their transition plans to incorporate the new HS math course pathways and continuing to prioritize work
- Assist PI districts and schools through RSDSS and other county technical assistance work in analyzing the CCSS including the needs for SBAC and implementing their LEA plans and Addendums and developing the new LEA plans for new PI year 1 and 3 LEAs.
- Work with the AVID Centers to ensure that training is developed to support math HS course pathways in AVID programs
- Review the Title III plans with LEAs that failed their AMAOs to ensure inclusion of the CCSS standards and newly revised ELD standards

Spring

- **Professional Development:**
  - Implement professional development concerning the new HS mathematics pathways
  - Implement county-owned professional development on revising existing quizzes, unit exams, and end of course exams to assess higher level thinking, constructed responses, synthesis and collaboration as indicated in the CCSS and in understanding information that is released concerning the pilot and field testing of SBAC.
  - Support CDE in the delivery (perhaps TOTs) of the professional development for all components of the assessment system
  - Support CDE in the roll out of the revised CTE Model Curriculum Standards professional development

- **Technical Assistance:**
  - Assist CDE in rolling out Mathematics Framework
  - Assist CDE in developing a rollout plan for the new ELA Framework
  - Assist LEAs with implementing and adjusting their transition plans to incorporate the new HS math course pathways and continuing to prioritize work
  - Assist PI districts and schools through RSDSS and other county technical assistance work in analyzing the CCSS including the needs for SBAC and implementing their LEA plans and Addendums and developing the new LEA plans for new PI year 1 and 3 LEAs.
  - Work with the AVID Centers to ensure that training is developed to support math HS course pathways in AVID programs

Summer

- **Professional Development:**
  - Implement professional development concerning the new HS mathematics pathways
  - Implement and revise as necessary county-owned professional development on revising existing quizzes, unit exams, and end of course exams to assess higher level thinking, constructed responses, synthesis and collaboration as indicated in the CCSS and in understanding information that is released concerning the pilot and field testing of SBAC.
  - Support CDE in the delivery (perhaps TOTs) of the professional development for all components of the assessment system
  - Support CDE in the roll out of the revised CTE Model Curriculum Standards professional development

- **Technical Assistance:**
  - Assist in the rollout of the new ELA Framework
  - Assist LEAs with implementing and adjusting their transition plans to incorporate the new HS math course pathways and continuing to prioritize work
2013-2014

- Assist PI districts and schools through RSDSS and other county technical assistance work in analyzing the CCSS including the needs for SBAC and implementing their LEA plans and Addendums.
- Confer with CDE concerning progress made on implementation plan and necessary adjustments and survey local LEAs about needs for the coming year.
Appendix C: Resources from California Implementation Partners

The challenge of integrating the CCSS into all facets of teaching and learning presents an opportunity for California to engage in a collaborative process wherein a community of educational partners can provide educators with the tools and support necessary to ensure successful implementation.

To this end, the California Department of Education invited professional associations and stakeholder organizations to contribute information regarding the CCSS-related resources and services they can offer to local educational agencies. The information in Appendix C was provided by these partners for inclusion in the CCSS systems implementation plan specifically to highlight how these organizations can assist local educational agencies in implementing the CCSS.
Appendix C: Resources from California Implementation Partners

Association of California School Administrators Common Core Activities

The Association of California School Administrators (ACSA) is the largest umbrella organization for county, district and school administrators in the nation, serving more than 14,000 education professionals. The mission of ACSA is support California's educational leaders; ensure all students have the essential skills and knowledge needed to excel; and champion public education.

Standards Implementation and Professional Development
Standard Finder—ACSA’s Standard Finder v 9 includes a cross walk of our previous and the California Common Core ELA and math standards so that it is possible while viewing any standard to compare the standard being viewed to linked standards from the opposite set. The database can also be queried to display just the set of standards, by grade, that are introduced at a higher, lower, or same grade in the other set of standards. A progression of any ELA standard can be viewed from K-12 and math standards can be queried by topic to show a progression of a skill from grade to grade. Additionally, all standards have been ranked on the Revised Bloom’s Taxonomy so that the cognitive rigor or any standard or any set of standards is available.

Common Core Readiness—ACSA’s Technology Learning Group and the Curriculum, Instruction and Accountability Council are working together to create a Common Core Readiness “checklist.” The purpose of the checklist is to assist a school and/or district in planning the transition to new standards and assessments, through the identification of both technology and instructional benchmarks and considerations that would lead to a thorough adoption of the California Common Core Standards.

Common Core Update Webinars—Assessment and Standards updates (via webinars) have been scheduled twice each month through 2012 to provide current information and to allow sharing among districts. The schedule for these updates corresponds to the CDE Smarter Balanced Updates being provided to major state organization representatives.

Instructional Leadership for the Common Core Modules—A series of modules related to leadership to implement Common Core Standards and Assessments is being developed by ACSA’s Educational Services Department. Module topics include: Mapping Standards from Grade to Grade, Moving towards Project Based Learning (without abandoning explicit instruction), the Change Process, Effective Instructional Practices for Non-fiction Reading and Writing.

State Public Policy Work
- Common Core Input Sessions - ACSA members are invited to participate in a series of conference calls to review, comment and provide recommendations on the draft Common Core Implementation Plan.
- Preliminary discussions have begun regarding sponsoring secondary math briefing sessions and course development regionally in partnership with the county offices of education and possibly CDE.
- ACSA sponsored SB 140 to ensure LEAs will have access to bridge materials to fully align their instructional materials locally to common core.
- ACSA co-sponsored AB 124 to ensure California's ELD standards are fully aligned to CCSS ELA standards.
- ACSA is sponsoring legislation in 2012 to ensure common core assessments are more meaningful to secondary students and to create partnerships with postsecondary education to recognize college and career ready standards and assessments.
- ACSA is participating in the AB 250 task force, mathematics framework development focus groups, AB 124 implementation, SB 140 implementation, STAR reauthorization planning process.

Resources are available at www.acsa.org. Click on Professional Learning then click on Common Core Resources from the drop down menu.
California Association of Teachers of English (CATE)
Find us at www.cateweb.org

Who are we?

- CATE is a non-profit organization promoting communication, collaboration, and knowledge among all those responsible for teaching English and the language arts. We are affiliated with the National Council of Teachers of English (NCTE). Most members are middle school or high school teachers, but we also have substantial numbers of elementary and college teachers.
- CATE has a very close relationship with the California Writing Project (CWP): the CWP Director serves on the CATE board; a CATE board member serves on the CWP advisory board; and many CATE members are also Teacher/Consultants with CWP.

What do we do?

- CATE consists of nine regional councils, each offering a range of professional development services to its members and to other Language Arts professionals throughout the year.
- CATE has presented a statewide convention every year since 1960. The 2012 Convention was recently held in Ontario, while the 2013 convention will take place February 8-10 at the Santa Clara Hyatt Regency. The annual convention is attended by 500-600 teachers.
- CATE also publishes an award-winning journal, California English, that is mailed to all CATE members four times a year.

CATE and the CCSS

CATE is already addressing the challenges presented by the introduction of the CCSS in a number of ways:

- At the 2011 Convention in Sacramento, the Friday evening plenary session addressed the implications of the standards via a panel consisting of: Steven Herrington (Sonoma County Superintendent of Schools); Patricia Rucker (CTA legislative advocate and member of the State Board of Education); and Deborah Sigman (Deputy Superintendent of Public Instruction). The panel was moderated by Carol Jago, former President of NCTE and a member of the English Language Arts feedback group for the National Governors' Association Common Core Standards initiative.
- At the 2012 Convention in Ontario, several workshops directly addressed the CCSS, including: “Practical Materials for Teaching Literature Using the Common Core Standards;” “Writing to the Core;” “Common Core Speaking;” “Building Core Curriculum Skills through Interactive Texts;” and “New Teachers, New Standards, Writing to Learn and Informational Writing.”
- At the 2013 Convention in Santa Clara there will be a special strand devoted to the CCSS. To contact the 2013 Convention Organizers, email them at cate2013@aol.com.
- TUCATE, one of the regional CATE councils, is offering a series of classes in the different kinds of writing required by the common core state standards. The series is called "Writing to the Common Core” and is offered April 10, 17, 24, and May 1 2012 through the Tulare County Office of Education.

What now?

- Future CATE conventions will be held as follows:
  - Feb 8-10, 2013, Santa Clara Hyatt
  - Feb 14-16, 2014, San Diego Town and Country
  - Feb 13-15, 2015, San Jose Doubletree
  - Feb 12-14, 2016, Orange County Hilton

- To Contact the CATE council in your area, go to http://www.cateweb.org/index.html and click on “Councils.”

All CATE board members can be reached through the “Contacts” button on the home page.
California Association of Mathematics Teacher Educators (CAMTE)

Services:

1) CAMTE’s CCSS-M Task Force is developing resources for use in pre-service and in-service mathematics teacher preparation programs and can aid faculty developing such units in their courses.

2) CAMTE acts as a network for mathematics teacher educators and shares information and resources with mathematics teacher educators throughout the state. CAMTE also provides professional expertise and input to issues related to implementation of the CCSS-M. CAMTE can provide names of people throughout the state who can help in CCSS-M implementation efforts at the school, district or county levels.

Resources:

1) CAMTE website: www.camte.org provides resources and updated information related to the CCSS-M for members and other professionals involved in mathematics teacher preparation. A special CCSS-M resource page on our website is in preparation.

2) President: Joanne Rossi Becker, San José State University
   Joanne.rossibecker@sjsu.edu

   CCSS-M Task Force chair: Margaret Kidd, CSU- Fullerton
   mkidd@Exchange.fullerton.edu

   CCSS-M Task Force Member: Shelley Kriegler, President, Center for Mathematics and Teaching, Inc.
   kriegler@ucla.edu

   CAMTE representative on Illustrative Math Project, which is collecting sample tasks and problems for the Common Core State Standards in mathematics: Heather Dallas, UCLA
   dallas@ucla.edu
Appendix C: Resources from California Implementation Partners

California Learning Resource Network (CLRN) Common Core State Standards' aligned resources

The California Learning Resource Network (CLRN) is a state-funded technology service that reviews supplementary electronic learning resources, online courses and free web links for their alignment to the Common Core State Standards.

**Electronic Learning Resources (ELR)**

CLRN reviews supplementary electronic learning resources, the majority of which are online and interactive, for their alignment to the Common Core State Standards and to California's Social Content Criteria. Each review lists the specific standards that are met or partially met, as well as whether the resource demonstrates, practices, and/or assesses each standard. In addition, CLRN reviews history-social science, science, and visual and performing arts resources for their alignment to California's original content standards. Resources may be browsed by subject area, searched for by keyword, or selected by specific content standard. Each review also contains information about the resource's universal access features, assessment, and support materials.

**Online Course Reviews (OCR)**

CLRN conducts a comprehensive review of online courses for their alignment to the Common Core State Standards as well as iNACOL's national standards for quality online courses. Most reviews also contain separate feedback from educators and students regarding their experiences with each course. Each review includes information about the Common Core standards within a specific course and whether the standard was fully met, partially met, or not met. In addition, CLRN indicates whether the resource demonstrates, practices, and/or assesses each standard. Courses may be found by keyword, or browsed by subject, course, standard strand, or specific standard. CLRN also reviews history-social science, science, and visual and performing arts courses against California's original content standards.

**Free Web Information Link (WILs) Reviews**

CLRN's web link reviews free and advertisement-free web links in seven subject areas. English-language arts and mathematics web link reviews specify the Common Core State Standards CLRN found that demonstrate, practice and/or assess each standard. Each web link review includes a user feedback survey asking educators whether they recommend the resource. Web links may be browsed by subject area, searched for by keyword, or selected by specific content standard.

More information and resource reviews are available at [http://www.clrn.org](http://www.clrn.org).
California Mathematics Council

Services/Support Available
As part of its mission, the California Mathematics Council (CMC) is committed to promoting professional activities that will ensure continual improvement towards excellence in the teaching of mathematics. In light of the adoption of the California Common Core State Standards for Mathematics (CaCCSSM), assisting in the transition has become a priority for CMC’s work.

In support of schools and districts, CMC offers conferences and symposia which engage educators of all levels, pre-K through community college. Presentations, workshops, and exhibits are offered to assist in familiarizing participants with the content of the CaCCSSM, but also with translating the standards to classroom instruction and practice and implications for sites as the standards thread across grade levels to bring coherence to mathematics instruction and learning. CMC conferences also provide opportunities for the CDE to promote its work and disseminate information at its three annual events held throughout the state.

CMC maintains a web site which provides professional resources for teacher development, teaching resources for curriculum enhancement, and family resources for students and parents. Regular updates on CaCCSSM resources and implementation, STEM, and support for sites interested in hosting a Family Math nights are included. To support parents, the Math at Home publication (in English and Spanish), articles, and activities to help families enjoy math together are available.

To inform its members further, CMC publishes a quarterly journal, The ComMuniCator. The ComMuniCator, a nationally recognized forum for mathematics educators, discusses current issues, reports new developments, showcases innovative teaching and assessment techniques, and publicizes conferences, CMC services, and other professional opportunities. Subscribers are able to avail themselves of archived copies of the journal on the CMC website, allowing access to a storehouse of additional information.

CMC conducts Math Festivals for schools, staff, parents, and families. These school-wide events expose students, teachers, and parents to key critical mathematics topics in a positive, self exploratory, festival-like atmosphere while providing K-8 student involvement, teacher professional development, and parent outreach. Hands-on, interactive festivals can be arranged with a focus on algebra, geometry, or number and can also include coordinated programs for teacher professional development and outreach to parents and families. This fee-for-service program exemplifies the CaCCSSM Standards for Mathematics Practices in action.

In order to promote student involvement and interest in the field of mathematics, CMC provides financial support for qualified organized student activities. Examples of qualifying activities include Math Field Days, Problem Solving Contests, and Mathematics Olympics. These activities engage sites and districts in activities that promote achievement and positive dispositions towards mathematics.

CMC collaborates with the California Mathematics Project to develop professional development modules to support implementation of CaCCSSM. Topics include transformational geometry, fractions on the number line, Modeling (K-8 and HS), and number sense. These professional development modules are available at no charge and are housed at http://caccssm.cmpso.org.

At present, CMC has 23 affiliated groups throughout the state. These local groups provide additional professional development activities and support through mini-conferences, symposia, and the like. Affiliates also provide a way for teachers to become involved locally, to enter into the discussion of how mathematics education might be improved in their classrooms, schools, and districts, and to brainstorm local solutions.
Appendix C: Resources from California Implementation Partners

There is much to do to ensure full implementation of the CaCCSSM. CMC offers its support and resources to schools and districts to ensure that all of California’s students have access to powerful mathematics instruction.

Contacts:

Web site: cmc-math.org

E-mail: CMC-Math@sbcglobal.net

U.S. Mail: P.O. Box 880
Clayton, CA 94517-0880

Phone: 888-CMC-MATH

Kathlan Latimer, CMC State President
Kathlan@aol.com

Mike Contino, Executive Secretary
execsect@cmc-math.org
California Reading Association

The California Reading Association (CRA) is a non-profit professional organization of educators who are actively involved in all aspects of reading and language arts education, from kindergarten through university levels. The CRA state organization, an affiliate of the International Reading Association (IRA), consists of more than 40 active local reading councils located in different service areas around the state. Over 3,000 educators hold membership in this professional organization.

The California Reading Association is committed to promoting standards-aligned instruction which is designed to meet the needs of all learners. CRA supports the use of research-based teaching strategies designed to enable students to decode, comprehend, think critically, and communicate effectively. Our five main goals include:

- **Professional Development** – research based opportunities for professional growth
- **Partnership with local councils** – strengthen and support local reading councils
- **Leadership Development** – mentor active and dynamic leaders in the reading community
- **Membership Development** – expand membership diversity to reflect educators in California
- **Advocacy** – advocate for policies and practices that continually improve literacy instruction
- **Collaboration** – strengthen alliances with individuals and organizations that share common goals.

The Mission of the California Reading Association is to promote literacy for all.

- We provide a local and statewide network of teachers and administrators associated with issues of reading and language arts instruction, including writing, spelling, thematic instruction, and assessment.
- We support the activities of the local reading councils and provide a concentrated focus and dialogue about literacy issues.
- We advocate for strong balanced reading and language arts programs for all learners in which essential literacy skills and high-quality texts are used effectively to create a seamless curricular approach.
- We promote timely instructional materials, resources, and information on current reading and language arts research, trends, and instructional approaches.
- We promote the pursuit of life-long reading.

To assist California’s educators, The California Reading Association

- Publishes a quarterly journal, *The California Reader*, which provides readers with current research which can be easily incorporated into classroom instruction to meet the needs of all learners
- Provides educators with titles of high quality fiction, across grade levels, including classroom activities, readers theaters, and other instructional ideas through our involvement in the California Young Reader Medal program.
- Supplies educators with titles of high quality non-fiction, across grade levels, through the Eureka! Award for non-fiction program.
- Offers educators professional development through both local presentations and the statewide institutes held each fall. Our institutes include sessions presented by top educational researchers, specialists, authors, and fellow educators. The institute provides quality networking opportunities.
- In the fall of 2012, we will focus on the Common Core Standards by providing top featured speakers in this area.
- Gives educators a recently updated web site with opportunities to share and obtain ideas and information through blogs and links, as well as easy ways to register online for activities and materials.

More information is available at [www.californiareads.org](http://www.californiareads.org).
California School Library Association

California Teacher Librarians & Library Paraprofessionals Support California Common Core Content Standards

**California Common Core Content Standards**

**Provide Common Core Standard Instruction and Resources**

- Teach Common Core standards – based lessons
- Share Common Core Standards – based lessons with teachers and teacher librarians through the CDE Brokers of Expertise
- Provide support for Digital Literacy through resources such as [http://kl2digitalcitizenship.wikispaces.com](http://kl2digitalcitizenship.wikispaces.com) and [http://ecitizenship.csla.net](http://ecitizenship.csla.net)
- Provide instruction in digital resources through resources such as School Library Learning 2.0 - [http://schoollibrarylearning2.csla.net](http://schoollibrarylearning2.csla.net), Classroom Learning 2.0 - [http://classroomlearning2.csla.net](http://classroomlearning2.csla.net)

**Provide Support for the Common Core Standards**

- CCCCS are interdisciplinary; teacher librarians help teachers make connections across the curriculum
- Promote college and career readiness through access to expository text and digital resources
- Provide skills to access and evaluate a variety of text types and digital formats and to present that information appropriately

**Provide the Information Infrastructure for the Common Core Standards**

- Provide primary resources
- Provide a variety of text types
- Provide appropriate and increasingly complex informational text supporting the content areas
- Provide access to digital resources

Tanya Richards | VP Professional Development | California School Library Association | Richards.T@monet.k12.ca.us
California State Parent Teacher Association

The mission of the California State PTA is to positively impact the lives of all children and families by representing our members, and empowering and supporting them with skills in advocacy, leadership and communications. The California State PTA is a professional, non-profit volunteer organization committed to the well-being of all children. Our core values include:

- We believe every adult has a responsibility to ensure that all children develop to their full potential.

- We believe parents are children's first teachers and that parent involvement is essential throughout a child's educational experience.

- We believe that family is the basic unit of society responsible for the support and nurturing of all children, and we recognize that "the family" may be defined in many ways.

- We believe our responsibility includes advocating for the safety and welfare of all children and the opportunity for a quality public education for each child.

The California State PTA has developed some useful parent guides on the CCSS. Find out what your child will be learning, at each grade level, in Mathematics and English Language Arts once the Common Core State Standards are in place. You'll also learn more about how you can support your child's learning and other helpful information. The guides are available at [http://www.capta.org/sections/programs/e-standards.cfm](http://www.capta.org/sections/programs/e-standards.cfm)
Appendix D: CCSS Systems Implementation – Significant Milestones

- August 2: SBE adopts Common Core State Standards
- May: A Look at Kindergarten Through Grade Six in California Public Schools available online
- February: Supplemental Instructional Materials Review report posted online*
- November: Revised ELD standards available*
- November: Revised mathematics framework available*
- May: Revised English-language arts framework available*
- August: Revised English-language arts framework available*
- Spring: Field testing of summative assessments
- Spring: Administer operational summative assessment
- November 1: Assessment Transition Plan due to State Legislature
- November 8–10: New professional development modules available
- March: Technology Readiness Tool available
- July: First set of 4 professional development modules available
- March: Technology Readiness Tool available
- Spring: Pilot testing of summative assessments
- March: Technology Readiness Tool available

* pending SBE action
Appendix E: Common Core State Standards Web Resources

**California Department of Education Resources**

- Common Core State Standards Resources Website: [http://www.cde.ca.gov/ci/cc/](http://www.cde.ca.gov/ci/cc/)
- CDE on iTunes U: [http://www.cde.ca.gov/re/mm/it/](http://www.cde.ca.gov/re/mm/it/)
- Taking Center Stage Act II: [http://pubs.cde.ca.gov/tcsii/index.aspx](http://pubs.cde.ca.gov/tcsii/index.aspx)
- Child Development Division Resources: [http://www.cde.ca.gov/sp/cd/re/](http://www.cde.ca.gov/sp/cd/re/)

**Multi-State Resources**

- Common Core State Standards Initiative Website: [http://www.corestandards.org/](http://www.corestandards.org/) (Outside Source)
- SMARTER Balanced Assessment Consortium Webpage: [http://www.k12.wa.us/SMARTER/default.aspx](http://www.k12.wa.us/SMARTER/default.aspx) (Outside Source)
Common Core State Standards
Systems Implementation Plan for California

March 2012

workplace, the CCSS place an emphasis on developing literacy in
history, science, and technical subjects. The CCSS also focus on
applying mathematical ways of thinking to real-world challenges,
helping students develop a depth of understanding and ability to
apply mathematics to novel situations.

In addition, the new CCSS require significant student collaboration,
fluency with multimedia and technology, and the development of
strong complex reasoning, problem solving, and communication
skills. Elements such as these transcendent subject matter and demand
a re-examination of our existing system of professional learning,
curricula development, assessments, and accountability. Further,
California’s active participation in new CCSS system-related multi-
state collaborations present the state with additional opportunities
to expand and improve upon previous standards implementation
efforts.

California’s Diverse Stakeholders

A systems approach to implementing the CCSS provides coherence
and necessitates extensive communication and collaboration among
all of California’s educational stakeholders. The CDE is working
diligently to ensure clear communications and expectations, and
this document is an important component of this goal. Yet, without
the engagement and assistance of all educational stakeholders, the
CCSS cannot successfully oversee the implementation of the CCSS.
The role of each stakeholder group in contributing to the
implementation is vitally important to the success of the plan.

The CCSS were created by representative groups of teachers,
administrators, parents, content experts, and education
professionals, each bringing a unique educational perspective into
the development. For the implementation of the CCSS to be
successful, it will take a vast majority of all members of these groups
working to achieve the common goals.

Teachers are the front line in implementing the CCSS—they create
and provide daily classroom lessons. School site administrators
provide teachers with instructional leadership and maintain a safe
learning environment for both students and teachers. District
administrations and elected boards can establish policies designed
to facilitate state and federal programs and empower teachers and
site administrators with local creativity and flexibility. County
offices of education can provide technical assistance and
professional learning support at the regional level for the schools
and districts they serve.

The CDE and the SBE are the entities responsible for integration of
the CCSS into the statewide educational system. They implement
the law established by state and federal elected officials through
administration of statewide programs. State and federal elected
officials can support implementation by creating and opening
doors for opportunity.

Working with state officials and local districts, institutions of
higher education can seek to cultivate student college readiness,
and in working with the Commission on Teacher Credentialing, can
ensure high quality teacher preparation.

But beyond these governmental groups, a wide array of
community partners can seek to support educators in many ways.
Professional organizations, including those supporting and
representing educators, are a key component in providing
information, feedback, and support throughout the
implementation process. This document not only charts the path
for CCSS systems implementation but illuminates opportunities for
extensive involvement.

The role of the families, parents, and guardians is all
encompassing. Involvement at every level of their student’s
I. Facilitate high quality professional learning opportunities for educators to ensure that every student has access to teachers who are prepared to teach to the levels of rigor and depth required by the CCSS.

Successful implementation of the CCSS requires strong instructional leadership in every school and well-prepared teachers in every classroom. In order for any standards-based system to be successful, educators must possess a thorough understanding of what students are expected to know and be able to do, as well as an array of instructional strategies designed to support every student in meeting those expectations. There are a number of differences between the California content standards adopted in 1987 and the CCSS. It is critical to the success of the CCSS system that every educator, at every stage of his or her career, has access to high quality professional learning opportunities that develop facility with the new standards and a variety of instructional strategies that will support student attainment of them.

The CDE will work with the Commission on Teacher Credentialing (CTC) to ensure that pre-service teachers and administrators have access to programs that provide the pedagogical and content knowledge needed to successfully support student attainment of the CCSS. Similarly, induction programs will reflect and support effective teaching of the CCSS-aligned material. Collaboration with higher education and the coordination of programs will guide revisions to teacher competencies, credentialing, and coursework for students in all teacher preparation and credentialing programs.

Guiding Strategy One

The CDE will also collaborate with various educational entities; including the county offices of education, educator professional associations, and stakeholder organizations; to ensure that existing and newly developed CCSS-aligned resources are efficiently and adequately distributed to educators throughout California and will maintain ongoing communication with the higher education community in the development of professional learning resources for educators.

The CDE will compile a list of professional learning activities and resources that are currently available and conduct needs surveys to determine professional learning activities and resources that are most needed by LEAs. The CDE will then form a design team to develop criteria for new professional learning modules designed to meet the identified needs of educators. Modules will be available for both individual study and group activity, web-based and school-based delivery, and will assist in the implementation of the CCSS and increase the effectiveness of teachers based on the California Standards for the Teaching Profession and the Learning Forward Standards for Professional Learning. Topics will include instructional strategies to support all learners including English learners, pupils with disabilities, and underperforming students; instructional strategies that promote creativity, innovation, critical thinking, problem solving, collaboration and communication skills; the integration of subject area content knowledge; and instructional leadership and coaching. The CDE will revise its existing Professional Development Opportunities Web site to identify activities aimed at transitioning to the CCSS.

Traditionally, once the SBE adopts standards, the CDE develops new curriculum frameworks that provide guidance regarding instructional strategies to support student achievement of the standards. In 2009, California enacted a series of laws that...
### Suggestions and Opportunities for LEAs

<table>
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<tr>
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<tbody>
<tr>
<td>- Support professional learning to promote awareness of and familiarity with the CCSS.</td>
<td>- Support ongoing professional learning to promote transition to the CCSS based upon priorities established in local plan.</td>
<td>-areas of focus may include:</td>
<td>- Provide professional learning to support full implementation of the CCSS.</td>
</tr>
<tr>
<td>- Area of focus: Compare and contrast the CCSS with the 1997 content standards.</td>
<td>- Mathematics: the standards for mathematical practice, modeling, and content shifts in mathematics for grades K-8.</td>
<td>- English language arts: text complexity, text-based questions and tasks, developing literacy across the content areas, writing informational text, collaborative conversations, the new English Language Development (ELD) standards.</td>
<td>- Areas of focus: content shifts in mathematics, transition to SBAC assessments.</td>
</tr>
<tr>
<td>- Conduct a local needs assessment to identify needs and set priorities for professional learning and develop a local professional learning plan based on identified needs and full implementation in 2014-15.</td>
<td>- New Challenges: transitioning to the SBAC assessment system, effective utilization of technology and media, 21st century skills, career and college readiness.</td>
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</table>

Utilize new resources from the CDE: A Look at Kindergarten Through Grade Six in California Public Schools and companion Webinars.

- Utilize new resources from the CDE: New professional learning modules (available summer 2012).
- Utilize new resources from the CDE: New professional learning modules (summer 2013) and curriculum frameworks (math available fall 2013, ELA available spring 2014).

- Subscribe to the CDE’s CCSS Resources and SBAC Webcasts to remain apprised of the latest developments and resources related to CCSS systems implementation and utilize resources as appropriate.
- Regularly review the CDE’s Professional Development Opportunities Web page and utilize resources as appropriate.
- Review and utilize professional learning resources available on CDE-hosted sponsored web portals including archived webinars and presentations on CDE on iTunes U.
- Utilize CCSS professional learning resources offered by professional associations and your county office of education.
- Participate in California Subject Matter Projects offerings for research-based instructional strategies and assessment tools.

### Appendix A: Local CCSS Systems Implementation Plan Template

Each of California’s LEAs should develop its own local plan for CCSS systems implementation based on local needs and resources. To facilitate the process of local plan development, this section of the document offers a template organized around the significant milestones of CCSS systems implementation. The template denotes full implementation of CCSS systems by the 2014-2015 school year. LEAs may wish to augment their local plans with elements from the Suggestions and Opportunities for LEAs chart distributed throughout the document or delete elements as appropriate to create a plan that is tailored to local needs.
### Appendix A: Local CCSS Systems Implementation Plan Template

<table>
<thead>
<tr>
<th>2011-2012</th>
<th>CDE/SBE Activity</th>
<th>LEA Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fall</strong></td>
<td>• A Look at Kindergarten Through Grade Six in California Public Schools released</td>
<td>• Begin development of local implementation plan based on full implementation of the CCSS system in 2014-2015</td>
</tr>
<tr>
<td></td>
<td>• Conduct local needs assessment to identify needs and set priorities for professional learning and develop local professional learning plan based on identified needs and full implementation in 2014-15</td>
<td>• Support areas of focus:</td>
</tr>
<tr>
<td></td>
<td>• Working in grade-level teams, compare/contrast the CCSS with the 1997 content standards and begin to incorporate new skills in the CCSS into instructional planning</td>
<td>• Review and utilize professional learning resources available on CDE-hosted or sponsored web portals including archived webinars and presentations on CDE on iTunes U</td>
</tr>
<tr>
<td></td>
<td>• Subscribe to the CDE’s CCSS Resources and SBAC Web pages ( tentative to remain approved of the latest developments and resources related to CCSS systems implementation</td>
<td>• Utilize CCSS professional learning resources offered by professional organizations, California Subject Matter Projects, and your county office of education</td>
</tr>
<tr>
<td></td>
<td>• Review and utilize professional learning resources available on CDE-hosted or sponsored web portals including archived webinars and presentations on CDE on iTunes U</td>
<td>• Identify CCSS that current materials do not support (use supplemental instructional materials review evaluation criteria for grades K-8) and develop lessons using resources from the library, internet, and primary source documents</td>
</tr>
<tr>
<td><strong>Winter</strong></td>
<td>• Establish design team to develop guidelines for professional learning modules (January)</td>
<td>• Provide opportunities for professional learning to develop understanding of difference between interim assessments and formative practices</td>
</tr>
<tr>
<td></td>
<td>• Convene education experts to update the ELD standards (April-June)</td>
<td>• Visit STAR Website for released test questions and constructed responses. Mirror the format into quiz/test questions and weekly writing prompts</td>
</tr>
<tr>
<td></td>
<td>• Evaluation criteria for supplemental instructional materials review approved by SBE* (January)</td>
<td>• Timeline and general plan for revision of the mathematics curriculum framework approved by the SBE* (January)</td>
</tr>
<tr>
<td></td>
<td>• Timeline and general plan for revision of the mathematics curriculum framework approved by the SBE* (January)</td>
<td>• Online technology readiness tool available (March)</td>
</tr>
<tr>
<td></td>
<td>• Online technology readiness tool available (March)</td>
<td>• Timeline and general plan for revision of the English language arts curriculum framework approved by the SBE* (May projected)</td>
</tr>
<tr>
<td><strong>Spring</strong></td>
<td>• Utilize online technology readiness tool to evaluate current technology and infrastructure</td>
<td>• Utilize online technology readiness tool to evaluate current technology and infrastructure</td>
</tr>
</tbody>
</table>

### Appendix B: County Offices of Education Service Offerings

County superintendents and their staff are committed to assisting in the important work ahead to successfully and thoughtfully implement CCSS. Counties have tremendous expertise to offer in developing products and training and their relationship with their school districts places them in a unique position to assist in planning and in reaching classroom teachers. Counties provide localized common-quality professional development statewide, whether at the overview level or a deeper dive into specific subject matter, and have developed training materials that prepare teachers to transition to the CCSS. Counties may also provide assistance in implementing the CCSS by:

- Aligning the Achievement Via Individual Determination (AVID) curriculum and training through the AVID centers in county offices
- Working through the Title III regional leads to assist LEAs that have failed to meet their annual measurable achievement objectives (AMMO)
- Working through the After School regional leads in county offices to align training with the CCSS
- Working through the California Preschool Instructional Network (CPIN) to include alignment of TK with the preschool foundations and CCSS
- Hosting focus sessions on revisions of frameworks, ELD standards, CTE standards and other key issues and documents

The information in Appendix B was provided by California County Superintendents Educational Services Association for inclusion in the CCSS systems implementation plan specifically to highlight how CDEs can assist local districts. School districts and the students they serve will benefit significantly when CCSS implementation efforts are coordinated at the local, county, and statewide levels.
Appendix C: Resources from California Implementation Partners

The challenge of integrating the CCSS into all facets of teaching and learning presents an opportunity for California to engage in a collaborative process wherein a community of educational partners can provide educators with the tools and support necessary to ensure successful implementation.

To this end, the California Department of Education invited professional associations and stakeholder organizations to contribute information regarding the CCSS-related resources and services they can offer to local educational agencies. The information in Appendix C was provided by these partners for inclusion in the CCSS systems implementation plan specifically to highlight how these organizations can assist local educational agencies in implementing the CCSS.

Appendix D: CCSS Systems Implementation – Significant Milestones

- May: A Look at Kindergartners Through Grade Six in California Public Schools available online
- February: Supplemental Instructional Materials Review report posted online
- August 2: SBE adopts Common Core State Standards
- November: Revised ELD standards available
- November: Revised mathematics Framework available
- May: Revised English-language arts framework available

2010 | 2011 | 2012 | 2013 | 2014 | 2015

- Promotion of the CCSS and supporting resources at conferences, workshops, in Webinars, and online begins
- March: Technology Readiness Tool available
- Spring: Pilot testing of summative assessments
- Spring: Field testing of summative assessments
- Spring: Administer operational summative assessment
- July: First set of 4 professional development modules available
- September: 8–10 new professional development modules available
- November 1: Assessment Transition Plan due to State Legislature
- *pending SBE action
Appendix E: Common Core State Standards Web Resources

California Department of Education Resources
- Common Core State Standards Resources Website: http://www.cde.ca.gov/ci/cc/
- CDE on iTunes U: http://www.cde.ca.gov/ed/edp/itunes/
- Taking Center Stage Act II: http://web.cde.ca.gov/usf/index.aspx
- Child Development Division Resources: http://www.cde.ca.gov/ie/cd/index

Multi-State Resources
- Common Core State Standards Initiative Website: http://www.corestandards.org/ (Outside Source)
- SMARTER Balanced Assessment Consortium Webpage: http://www.k12.wa.us/SMARTER/default.aspx (Outside Source)

CDE CCSS Resources Web page

http://www.cde.ca.gov/ci/cc/

Subscribe:
join-commoncore@mlist.cde.ca.gov
Common Core State Standards Update - ALERT

TOM TORLAKSON
State Superintendent of Public Instruction

alert-mar12item01

ALERT - For Information and Possible Action:

- Publishers of mathematics and language arts instructional materials have been invited to submit supplemental instructional materials that bridge the gap between programs currently being used by local educational agencies and the CCSS. Teachers and content experts are being recruited to review these supplemental materials for alignment to the CCSS. The reviewer application (due January 31, 2012), general information, and a schedule of significant events can be found on the Curriculum Frameworks & Instructional Materials Web page at http://www.cde.ca.gov/cd/hs/cf/sp/openreview.asp.

- The CDE is recruiting members for four focus groups to provide input on the revision of the English Language Development Standards for California Public Schools Kindergarten Through Grade Twelve. The English Language Development Standards will be revised to align with the CCSS for English Language Arts and reflect current research on English language development instruction. Each focus group will include between 12 and 15 educators, who will be selected to ensure balanced representation of regions, types of schools, and experience. For more details about the focus group meetings and access to the application, go to the English Learner Resources Web page at http://www.cde.ca.gov/sp/ed/index.asp. Applications must be received no later than 5 p.m. on Tuesday, January 31, 2012.

CCSS Resource Web Page Update:

- Under the “California Department of Education Resources” section, a link has been added to the Mathematics Framework page for easy access to information and action regarding revision of the 2014 Mathematics Framework, including updates on the focus group meetings and the work of the Curriculum Framework and Criteria Committee.

CCSS Update from CDE
1430 N Street, Suite 3307
Sacramento, CA 95814

You are receiving this message because you previously subscribed or because it was sent to you by a friend.

Subscribe: If you would like to receive information and updates via e-mail notification, subscribe to the CCSS Update from CDE list by sending a “blank” message to ccss-commoncore@lists.cde.ca.gov.

Unsubscribe: To unsubscribe from the CCSS Update from CDE, send a “blank” message to unsubscribe-commoncore@lists.cde.ca.gov.

Common Core State Standards Resources

Information and resources about the new academic content standards for English Language Arts and Mathematics adopted by the State Board of Education on August 2, 2010.

Common Core State Standards

The Common Core State Standards (CCSS) were developed through a state-led initiative to establish consistent and clear educational standards for English Language Arts and Mathematics that would better prepare students for success in college, career, and life in a competitive global economy. The California State Board of Education (SBE) adopted the standards on August 2, 2010. Visit the website for more information about the standards. The CCSS are designed to prepare all students for college and a career.

- California Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects (PDF, Outside Source)
- California Common Core State Standards for Mathematics (PDF, Outside Source)
- Common Core State Standards Smarter Balanced Sources
- Common Core State Standards Reading/ELA Sources
- The multi-state initiative released the CCSS on June 2, 2010. The initiative aims to provide the Common Core and improve student achievement. The standards also aim to ensure consistency across all states.
- Common Core State Standards - Smarter Balanced Assessment Consortium
- Common Core State Standards - Research Supporting Key Elements of the Standards and Closely Aligned to CBAs
- Common Core State Standards - Awareness to California Resources
- Common Core State Standards - Awareness to California Resources

2/16/2012 4:46 PM
Common Standards

Building on the excellent foundation of standards states have laid, the Common Core State Standards are the first step in providing our young people with a high-quality education. It should be clear to every student, parent, and teacher what the standards of success are in every school.

Mission Statement

The Common Core State Standards provide a consistent, clear understanding of what students are expected to learn, so teachers and parents know what they need to do to help them. The standards are designed to be robust and relevant to the real world, reflecting the knowledge and skills our young people need for success in college and careers. With American students fully prepared for the future, our communities will be best positioned to compete successfully in the global economy.

Publishers’ Criteria for the Common Core State Standards in English Language Arts and Literacy, Grades 3–12

David Coleman • Susan Pimentel

INTRODUCTION

Developed by two of the lead authors of the Common Core State Standards, these criteria are designed to guide publishers and curriculum developers as they work to ensure alignment with the standards in English language arts (ELA) and literacy for history/social studies, science, and technical subjects. The standards are the product of a state-led effort — coordinated by the National Governors Association Center for Best Practices and the Council of Chief State School Officers — and were developed in collaboration with teachers, school administrators, and experts to provide a clear and consistent framework to prepare students for college and the workforce.

The criteria articulated below concentrate on the most significant elements of the Common Core State Standards and lay out their implications for aligning materials with the standards.
Progressions Documents for the Common Core Math Standards

Funded by the Brookhill Foundation

About this project

The Common Core State Standards in mathematics were built on progressions: narrative documents describing the progression of a topic across a number of grade levels, informed both by research on children’s cognitive development and by the logical structure of mathematics. These documents were spliced together and then sliced into grade level standards. From that point on the work focused on refining and revising the grade level standards. The early drafts of the progressions documents no longer correspond to the current state of the standards.

It is important to produce up-to-date versions of the progressions documents. They can explain why standards are sequenced the way they are, point out...
achievethecore.org
Stolen tools. You've got to read this. By teachers for teachers.

Achieving the Core Standards for all students to succeed.

Steal these tools
Free resources especially useful for implementation this year

You've got to read this
Articles, sites and research you shouldn't miss

By teachers for teachers
Voices of educators doing the work of the Core

The Common Core State Standards are a new set of expectations designed to ensure all students achieve college and career readiness.

Forty-six states have now adopted these shared standards so their students can compete and succeed on a world stage.

This site is here to provide free, high-quality resources to educators now doing the hard work of implementing these higher standards.

achievethecore.org is assembled by Student Achievement Partners, a 501(c)(3) nonprofit organization. MORE ABOUT US

California Mathematics Project

Mathematics: The Power Within

CaCCSS-M Resources
CaCCSS-M Resources Home
Acknowledgments
• Number Sense: Counting and Cardinality Task Force
  • NS: Counting and Cardinality Resources
  • NS: Counting and Cardinality Resources by Standard
• Number Sense: Base 10 Task Force
  • NS: Base 10 Resources
  • NS: Base 10 Resources by Standard
• Fractions Task Force
  • Fractions Resources
  • Fractions Resources by Standard
• K-8 Modeling Task Force
  • K-8 Modeling Resources
  • K-8 Modeling Resources by Standard
• Transformational Geometry Task Force
  • Transformational Geometry Resources
  • Transformational Geometry Resources by Standard

CaCCSS-M Resources Home

About the CaCCSS-M Task Forces

The California Department of Education (CDE), California Mathematics Council (CMC), California Mathematics and Science Education Standards Authority (CCSESA), and the Curriculum and Instruction Steering Committee (CISC) established five CaCCSS-M Task Forces to collect, design, and organize resources that will promote the implementation of the CaCCSS-M. Each of the groups is focusing on various aspects of the dissemination of design resources that will provide information on the CaCCSS-M to various constituents in California, including teachers, administrators, and teacher educators.

The CMP, in collaboration with CDE, CMC, CISC, and the California Association of Mathematics Teacher Educators (CAMTE), established five CaCCSS-M Task Forces to collect, design, and organize resources that will promote the implementation of the CaCCSS-M. Each of the groups is focusing on various aspects of the dissemination of design resources that will provide information on the CaCCSS-M to various constituents in California, including teachers, administrators, and teacher educators.
Preparing Students for College, Career, and CITIZENSHIP:

A California Guide to Align Civic Education and the Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science and Technical Subjects

K-8 California’s Common Core Standards Parent Handbook

© 2011 California County Superintendents Educational Services Association
COMMON CORE STATE STANDARDS

"...what students are expected to know and be able to do."

On August 2, 2010, the California State Board of Education (SBE) voted unanimously to adopt new standards for both mathematics and English-language arts. The new standards are rigorous, research-based, and designed to prepare every student for success in college and the workforce. The standards are internationally benchmarked to ensure that our students are able to compete with students around the globe.

Territories, and the District of Columbia all participated in the development of the standards. The CCSS were developed for English-language arts and mathematics, kindergarten through grade twelve. They were built upon the best state standards, the experiences of teachers, content experts, and leading thinkers; and feedback from the general public.

California and the Common Core

Senate Bill 1 from the 11th Extraordinary Session (SB X1) established the Academic Content Standards Commission (ACSC) to develop academic content standards in language arts and mathematics. At least 85 percent of the standards were to consist of the CCSS with up to 15 percent additional material as recommended by the commission. SB X1 stated that California must:

Ensure the rigor of the state's reading, writing, and mathematics academic content standards, curricula, and assessments is maintained so that all high school graduates are prepared for college and careers by establishing a process to adopt new standards based on the Common Core State Standards Initiative.

The Common Core State Standards

In 2009, the Council of Chief State School Officers

CÁC TIÊU CHUẨN TIẾU BANG VỀ KIẾN THÚC VÀ KỸ NĂNG CÔT YÊU

"...những gì học sinh cần phải biết và có thể làm được."

Ngày 02 tháng 8 năm 2010, Bộ Giáo dục Tiêu bang California (State Board of Education, SBE) đã bỏ phiếu nhất trí áp dụng các tiêu chuẩn mới cho cấp mầm non và vùng chung Anh ngữ.

Các tiêu chuẩn mới hiện rất chặt chẽ, căn cứ vào các nguyên tắc và mục tiêu để chuẩn bị cho môi hoàn thành công việc vào đại học và làm việc. Các tiêu chuẩn được xây dựng theo chuẩn quốc tế để đảm bảo học sinh của chúng ta có thể cạnh tranh với học sinh trên toàn cầu.

bang về Kiến thức và Kỹ năng Cốt yếu (Common Core State Standards, CCSS).

Để xung đột Các tiêu chuẩn Tiêu bang về Kiến thức và Kỹ năng Cốt yếu (Common Core State Standards, CCSS).

Để xung đột Các tiêu chuẩn Tiêu bang về Kiến thức và Kỹ năng Cốt yếu (Common Core State Standards, CCSS).

Để xung đột Các tiêu chuẩn Tiêu bang về Kiến thức và Kỹ năng Cốt yếu (Common Core State Standards, CCSS).

Để xung đột Các tiêu chuẩn Tiêu bang về Kiến thức và Kỹ năng Cốt yếu (Common Core State Standards, CCSS).

Để xung đột Các tiêu chuẩn Tiêu bang về Kiến thức và Kỹ năng Cốt yếu (Common Core State Standards, CCSS).

Để xung đột Các tiêu chuẩn Tiêu bang về Kiến thức và Kỹ năng Cốt yếu (Common Core State Standards, CCSS).
CDE SBAC Web page

http://www.cde.ca.gov/ta/tg/sa/smarterbalanced.asp

Subscribe:
subscribe-sbac@mlist.cde.ca.gov
SMARTER Balanced Assessment Consortium (SBAC)
Update from the California Department of Education (CDE)
Issue 4 (Week beginning January 16, 2012)

SBAC/CDE Top News
• English language arts and literacy (ELA/literacy) Claims Vote
• Students with Disabilities Advisory Committee—Open solicitation for nominees
• Hewlett Foundation Assessment Prize
• Fourth Quarter Project Report Available
• Upcoming Events
• Resources
• Question/Answer of the Week

SBAC Announcements
• ELA/literacy Claims Vote—Voting by the SBAC Governing States on the ELA/literacy claims opened on January 11 and will close two rounds of review and extensive revisions and editing based on the feedback from states and organizations. Those claims will be submitted to the California State Board of Education and reported to the public.

• Students with Disabilities Advisory Committee—Solicitation for Nominees—Nominations by Governing States are being accepted for nominees to the SBAC committee. The committee will provide guidance on how to develop accessible assessments for students with disabilities. Nominations are due by January 25, 2012, and will be reviewed and reported to the Governing States.

• Hewlett Foundation Assessment Prize—On January 9, 2012, the William and Flora Hewlett Foundation announced that it will award $2 million in grants to support comprehensive assessment systems for the academic year 2012-2013. The grants will be awarded on the basis of the strength of the assessment system and its potential to improve student learning. The foundation is seeking applications from states, districts, and other organizations that are interested in developing and implementing comprehensive assessment systems. The application deadline is March 20, 2012.

• Fourth Quarter Project Report Available—The SBAC quarterly project report for the period ending September 30, 2011 can be found on the CDE’s website and provides updates for each work group.

CDE/SBAC Upcoming Events

Subscribe:
join-commoncore@mlist.cde.ca.gov
subscribe-sbac@mlist.cde.ca.gov

Contact us:
commoncoreteam@cde.ca.gov
CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2012 AGENDA

SUBJECT
Reauthorization of the Statewide Pupil Assessment System: Development of the State Superintendent of Public Instruction Recommendations.

SUMMARY OF THE ISSUE(S)

Assembly Bill (AB) 250 (Chapter 608, Statutes of 2011) requires the State Superintendent of Public Instruction (SSPI) to develop recommendations, including a plan to transition to a new system, for the reauthorization of the statewide pupil assessment system. The legislation requires that the SSPI consult with the State Board of Education (SBE) as well as specific stakeholders, in developing the SSPI recommendations and requires that the recommendations consider sixteen specific areas outlined in statute. The CDE identifies several planned activities to develop recommendations for creating a new statewide assessment system. This agenda item is the second in a series of regular updates to the SBE to gather feedback from SBE members as well as the public. A tentative list of advisory committee members will be provided as an Item Addendum.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE engage in continued discussion and activities regarding the reauthorization of the statewide pupil assessment system.

BRIEF HISTORY OF KEY ISSUES

AB 250 modified California Education Code (EC) Section 60604.5 to clarify the legislative intent that the reauthorization of the statewide pupil assessment system conform to assessment requirements of any reauthorization of the Elementary and Secondary Education Act (ESEA) or any other federal law that effectively replaces ESEA and be aligned with the common core state standards (CCSS), with at least 85 percent of items to address the CCSS. See Attachment 2 for the text of the EC sections referred to in this item.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The law requires the SSPI to develop recommendations for the reauthorization of the statewide pupil assessment program, which includes a plan for transitioning to a system of high-quality assessments as defined in EC Section 60603. While the law specifically addresses the current Standardized Testing and Reporting (STAR) Program; the CDE believes it is appropriate to consider other current California statewide assessments, including, but not limited to, the Early Assessment Program (EAP) that utilizes specific STAR assessments, the California English Language Development Test (CELDT), and the California High School Exit Examination (CAHSEE). AB 250 also requires that the SSPI’s recommendations be presented to the fiscal and appropriate policy committees of the Legislature by November 1, 2012.

The following list highlights planned CDE activities during February through April 2012:

- To assist in preparing the recommendations for the SSPI and to transition to the new pupil assessment system, the CDE will select an advisory committee comprised of those stakeholders identified in statute.

- The CDE will schedule and convene meetings for the advisory committee to (1) develop guiding principles for their work; (2) develop a conceptual model that addresses each of the sixteen areas outlined in statute, as well as those not identified in statute (e.g., CAHSEE, CELDT, and EAP); (3) examine ESEA requirements; (4) identify technical and/or policy issues and needs; (5) review public meeting feedback; and (6) prepare draft recommendations for the report to the SSPI. See Attachment 3 for a tentative schedule of advisory committee meetings.

- The CDE is drafting a strategic plan that will assist the advisory committee in their work and will include timelines and milestones with staff responsibilities.

- The CDE will schedule and conduct public meetings throughout California, tentatively to take place in March, April, and May 2012. See Attachment 4 for a tentative schedule of public meetings.

- The technical and accountability advisory groups, including STAR, CAHSEE, CELDT, the Public School Accountability Act (PSAA), and the Technical Design Group (TDG), will provide technical and/or policy expertise to the CDE and the advisory committee. The STAR/CAHSEE Technical Advisory Group (TAG) will meet on February 9-10, 2012.

- The CDE’s Assessment Development and Administration Division will collaborate across CDE branches to plan for the implementation of AB 250, SMARTER Balanced Assessment Consortium (SBAC), AB 124 (newly revised English Language Development standards), and the next generation science standards.

Attachment 1 provides a flow chart of the establishment of the advisory committee and the coordination for the reauthorization of the statewide pupil assessment system.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION (CONT.)

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

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

FISCAL ANALYSIS (AS APPROPRIATE)

AB 250 requires the CDE to use federal carryover funds received pursuant to Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and any other available state and federal funds, to implement the act.

ATTACHMENT(S)

Attachment 1: Flow Chart Coordination for the Reauthorization of the Statewide Pupil Assessment System (Assembly Bill 250) (1 Page)

Attachment 2: Relevant California Education Code Sections (6 Pages)

Attachment 3: A tentative schedule of advisory committee meetings (1 Page)

Attachment 4: A tentative schedule of public meetings (1 Page)

Attachment 5: A tentative list of advisory committee members will be provided as an Item Addendum.
Flow Chart
Coordination for the Reauthorization of the Statewide Pupil Assessment System (Assembly Bill 250)

ADAD Testing Program Staff
Represent assessment programs, lead stakeholder groups, staff advisory meetings as needed, etc.

CDE SBAC Staff and National Leads
Coordinate SBAC with AB 250 activities

Other CDE Divisions
CCSS, NgSS, ELd Standards, etc.

Advisory Committee
For the Reauthorization of the California Assessment System
EC 60604.5 (c) Representatives for SBE, PSAA Committee, Measurement Experts, Experts with experience assessing students with Disabilities and English Learners, Teachers, Administrators, Local Governing Boards, and Parents
Consider input from stakeholders and make recommendations to SSPi

ADAD Director
Provide oversight, assist with coordination, liaison to others

AB 250 Coordination
Provide oversight, coordinate work, prepare report

State Superintendent of Public Instruction (SSPI)
Present recommendations

State Board of Education
Legislature
(Report due 11/1/2012)

Stakeholder
(Parent groups)
Provide input

Stakeholder
(Teacher/Admin Groups)
Provide input

Stakeholder
(Local Governing Boards)
Provide input

Stakeholder
(Students with Disabilities Groups)
Provide input

Stakeholder
(English Learner Groups)
Provide input

Stakeholder
(Charter School Groups)
Provide input

Stakeholder
(Higher Ed. Groups)
Provide input

Stakeholder
(Accountability reps)
Provide input

Stakeholder
(Legislative Committee Staff)
Provide input

Stakeholder
(Business Community)
Provide input

Stakeholder
(Educational Organizations)
Provide input

California Department of Education

KEY
CDE: California Department of Education
ADAD: Assessment Development and Administration Division
SSPI: State Superintendent of Public Instruction
AB 250: Assembly Bill 250
SBAC: SMARTER Balanced Assessment Consortium
CCSS: Common Core State Standards
NgSS: Next Generation Science Standards
ELd Standards: English Language Development Standards
Relevant California Education Code Sections

60603

(a) "Achievement test" means any standardized test that measures the level of performance that a pupil has achieved in the core curriculum areas.

(b) "Assessment of applied academic skills" means a form of assessment that requires pupils to demonstrate their knowledge of, and ability to apply, academic knowledge and skills in order to solve problems and communicate. It may include, but is not limited to, writing an essay response to a question, conducting an experiment, or constructing a diagram or model. An assessment of applied academic skills may not include assessments of personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem.

(c) "Basic academic skills" means those skills in the subject areas of reading, spelling, written expression, and mathematics that provide the necessary foundation for mastery of more complex intellectual abilities, including the synthesis and application of knowledge.

(d) "Content standards" means the specific academic knowledge, skills, and abilities that all public schools in this state are expected to teach and all pupils expected to learn in each of the core curriculum areas, at each grade level tested.

(e) "Core curriculum areas" means the areas of reading, writing, mathematics, history-social science, and science.

(f) "Diagnostic assessment" means interim assessments of the current level of achievement of a pupil that serves both of the following purposes:

(1) The identification of particular academic standards or skills a pupil has or has not yet achieved.

(2) The identification of possible reasons that a pupil has not yet achieved particular academic standards or skills.

(g) "Direct writing assessment" means an assessment of applied academic skills that requires pupils to use written expression to demonstrate writing skills, including writing mechanics, grammar, punctuation, and spelling.

(h) "End of course exam" means a comprehensive and challenging assessment of pupil achievement in a particular subject area or discipline.

(i) "Formative assessment" means assessment tools and processes that are embedded in instruction and are used by teachers and pupils to provide timely feedback for purposes of adjusting instruction to improve learning.
(j) "High-quality assessment" means an assessment designed to measure a pupil's knowledge of, understanding of, and ability to apply critical concepts through the use of a variety of item types and formats, including, but not limited to, items that allow for open-ended responses and items that require the completion of performance-based tasks. A high-quality assessment should have the following characteristics:

(1) Enable measurement of pupil achievement and pupil growth.

(2) Be of high technical quality by being valid, reliable, fair, and aligned to standards.

(3) Incorporate technology where appropriate.

(4) Include the assessment of pupils with disabilities and English learners.

(5) Use, to the extent feasible, universal design principles, as defined in Section 3 of the federal Assistive Technology Act of 1998 (29 U.S.C. Sec. 3002) in its development and administration.

(k) "Interim assessment" means an assessment that is given at regular and specified intervals throughout the school year, is designed to evaluate a pupil's knowledge and skills relative to a specific set of academic standards, and produces results that can be aggregated by course, grade level, school, or local educational agency in order to inform teachers and administrators at the pupil, classroom, school, and local educational agency levels.

(l) "Performance standards" are standards that define various levels of competence at each grade level in each of the curriculum areas for which content standards are established. Performance standards gauge the degree to which a pupil has met the content standards and the degree to which a school or school district has met the content standards.

(m) "Publisher" means a commercial publisher or any other public or private entity, other than the department, which is able to provide tests or test items that meet the requirements of this chapter.

(n) "Statewide pupil assessment program" means the systematic achievement testing of pupils in grades 2 to 11, inclusive, pursuant to the standardized testing and reporting program under Article 4 (commencing with Section 60640) and the assessment of basic academic skills and applied academic skills, administered to pupils in grade levels specified in subdivision (c) of Section 60605, required by this chapter in all schools within each school district by means of tests designated by the state board.
60604.5

(a) It is the intent of the Legislature that the reauthorization of the statewide pupil assessment program include all of the following:

(1) A plan for transitioning to a system of high-quality assessments.

(2) Alignment with the standards developed pursuant to subdivision (d) of Section 60605.8.

(3) Any common assessments aligned with the standards developed pursuant to subdivision (d) of Section 60605.8.

(4) Conformity to the assessment requirements of any reauthorization of the federal Elementary and Secondary Education Act or any other federal law that effectively replaces that act.

(b) The Superintendent shall develop recommendations for the reauthorization of the statewide pupil assessment program. The recommendations shall include, but not be limited to, a plan for transitioning to a system of high-quality assessments. The recommendations shall consider including all of the following in the reauthorized assessment system:

(1) Aligning the assessments to the standards adopted or revised pursuant to Section 60605.8.

(2) Implementing and incorporating any common assessments aligned with the common set of standards developed by the Common Core State Standards Initiative consortium or other interstate collaboration in which the state participates.

(3) Conforming to the assessment requirements of any reauthorization of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.) or any other federal law that effectively replaces that act.

(4) Enabling the valid, reliable, and fair measurement of achievement at a point in time and over time for groups and subgroups of pupils, and for individual pupils.

(5) Allowing the comparison from one year to the next of an individual pupil's scale scores in each content area tested, so as to reflect the growth in that pupil's actual scores over time.

(6) Enabling and including the valid, reliable, and fair measurement of achievement of all pupils, including pupils with disabilities and English learners.

(7) Providing for the assessment of English learners using primary language assessments.
(8) Ensuring that no aspect of the system creates any bias with respect to race, ethnicity, culture, religion, gender, or sexual orientation.

(9) Incorporating a variety of item types and formats, including, but not limited to, open-ended responses and performance-based tasks.

(10) Generating multiple measures of pupil achievement, which, when combined with other measures, can be used to determine the effectiveness of instruction and the extent of learning.

(11) Including the assessment of science and history-social science in all grade levels at or above grade 4.

(12) Assessing a pupil’s understanding of and ability to use the technology necessary for success in the 21st century classroom and workplace.

(13) Providing for both formative and interim assessments, as those terms are defined in this chapter, in order to provide timely feedback for purposes of continually adjusting instruction to improve learning.

(14) Making use of test administration and scoring technologies that will allow the return of test results to parents and teachers as soon as is possible in order to support instructional improvement.

(15) Minimizing testing time while not jeopardizing the validity, reliability, fairness, or instructional usefulness of the assessment results.

(16) Including options for diagnostic assessments for pupils in grade 2.

(c) In developing the recommendations pursuant to this section, the Superintendent shall consult with all of the following:

(1) The state board.

(2) The committee advising the Superintendent on the Academic Performance Index pursuant to subdivision (a) of Section 52052.5.

(3) Measurement experts from California's public and private universities.

(4) Individuals with expertise in assessing pupils with disabilities and English learners.

(5) Teachers, administrators, and governing board members, from California's local educational agencies.

(6) Parents.
(d) The Superintendent shall report the recommendations developed pursuant to this section to the fiscal and appropriate policy committees of both houses of the Legislature on or before November 1, 2012.

60605.8

(a) There is hereby established the Academic Content Standards Commission. The commission shall consist of 21 members, appointed as follows:

(1) Eleven members appointed by the Governor.
(2) Five members appointed by the Senate Committee on Rules.
(3) Five members appointed by the Speaker of the Assembly.

(b) Members of the commission shall serve at the pleasure of the appointing authority.

(c) Not less than half of the members appointed by each of the appointing authorities pursuant to subdivision (a) shall be current public school elementary or secondary classroom teachers.

(d) The commission shall develop academic content standards in language arts and mathematics. The standards shall be internationally benchmarked and build toward college and career readiness by the time of high school graduation. Unless otherwise allowed by the Secretary of the United States Department of Education, at least 85 percent of these standards shall be the common core academic standards developed by the consortium or interstate collaboration set forth in Section 60605.7.

(e) Pursuant to the Bagley-Keene Act, Article 9 (commencing with Sec. 11120) of Division 3 of Title 2 of the Government Code, all meetings and hearings of the commission shall be open and available to the public.

(f) On or before July 15, 2010, the commission shall present its recommended academic content standards to the state board.

(g) On or before August 2, 2010, the state board shall do either of the following:

(1) Adopt the academic content standards as proposed by the commission.

(2) Reject the academic content standards as proposed by the commission. If the state board rejects the standards it shall provide a specific written explanation to the Superintendent, the Governor, and the Legislature of the reasons why the proposed standards were rejected.

(h) The Superintendent and state board shall present to the Governor and to the appropriate policy and fiscal committees of the Legislature a schedule and
implementation plan for integrating the academic content standards adopted pursuant to this section into the state educational system.
TENTATIVE Schedule of Advisory Committee Meetings
AB 250 Reauthorization of Statewide Pupil Assessment System
(Closed to Public)
Sacramento 9am – 4pm

March 21-22
Citizen Hotel – Ballroom
926 J Street Sacramento, CA 95814
Phone: 916-447-2700
Fax: 916-447-2701

June 12-14
Citizen Hotel – Ballroom
926 J Street Sacramento, CA 95814
Phone: 916-447-2700
Fax: 916-447-2701

April 17-18
Sacramento Convention Center
1400 J Street
Sacramento, CA 95814
Phone: 916-808-5291
Fax: 916-808-7687

July 25-27
Sheraton Grand Hotel – Ballroom
1230 J Street
Sacramento, CA 95814
Phone: (916) 447-1700
Fax: (916) 447-1701

May 22-23
Citizen Hotel – Ballroom
926 J Street Sacramento, CA 95814
Phone: 916-447-2700
Fax: 916-447-2701
TENTATIVE Schedule of Public Meetings
AB 250 Reauthorization of Statewide Pupil Assessment System
1pm – 4pm

March 27, 2012
Courtyard Marriott
1605 Calle Joaquin
San Luis Obispo, CA
Phone: (805) 786-4200

April 24, 2012
San Diego COE – Annex C
6401 Linda Vista Road
San Diego, CA 92111
Phone: (858) 292-3500

March 28, 2012
Fresno COE – Board Room Rm. 301
1111 Van Ness Ave.
Fresno, CA 93721
Phone: 559-265-3000
Lodging: Holiday Inn Fresno Dwtn
1055 Van Ness Ave., Fresno
559-233-6650

April 25, 2012
Orange COE
3001 Red Hill Ave.
Building 5, Suite 108
Costa Mesa, CA
Phone: (714) 966-4000
Lodging: Ayers Hotel & Suites
325 Bristol Street, Costa Mesa
714-549-0300

April 3, 2012
Sacramento COE - Mather Room
10474 Mather Boulevard
Mather, CA 95655
Phone: (916) 228-2500

May 15, 2012
Contra Costa COE – Board Room
77 Santa Barbara Road
Pleasant Hill, CA 94523
Phone: (925) 942-3388
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2012 AGENDA

SUBJECT
 Supplemental Instructional Materials Review Aligned to the Common Core State Standards: Approval of Reviewers.

SUMMARY OF THE ISSUE(S)

Education Code Section 60605.86, created by Senate Bill 140 (Chapter 623 of the Statutes of 2011), requires the California Department of Education (CDE) to develop, and the State Board of Education (SBE) to approve, a list of supplemental instructional materials that are aligned with California’s common core academic content standards in mathematics and English language arts. The law requires that the SBE approve the reviewers that will conduct the review of those supplemental materials.

RECOMMENDATION

The CDE recommends that the SBE approve the recommended content experts and instructional materials reviewers.

BRIEF HISTORY OF KEY ISSUES

In 2010, the Council of Chief State School Officers and the National Governors Association Center for Best Practices released Common Core State Standards (CCSS) in mathematics and English language arts. The SBE adopted the CCSS with California additions on August 2, 2010. California has committed to implementing the CCSS and is currently part of a multistate assessment consortium that plans on having CCSS-based assessments in place by the 2014–15 school year.

It will take a number of years to develop new curriculum frameworks and instructional materials aligned to the CCSS. Earlier this year, the State Superintendent of Public Instruction (SSPI) initiated a process for the review of supplemental materials aligned to the CCSS. SB 140, signed by the Governor on October 8, 2011, calls for the expansion of that process. Pursuant to that law, the SSPI is inviting publishers of instructional materials in mathematics and language arts to submit supplemental instructional materials that bridge the gap between programs currently being used by local educational agencies (LEAs) and the CCSS.
BRIEF HISTORY OF KEY ISSUES (Cont.)

The review will be facilitated by CDE staff and conducted by panels of selected instructional material reviewers and content experts, who serve as panel resources, approved by the SBE. The review is not a state adoption, and the supplemental instructional materials will not be added to any existing state adoption lists.

This review is entirely optional for publishers, and the results will be strictly advisory for LEAs. LEAs will not be compelled in any way to purchase the supplemental materials that are recommended as a result of this review. LEAs may use unrestricted general funds, federal funds, Proposition 20 lottery funds for instructional materials, or other funds to purchase them.

A list of recommended content experts and instructional materials reviewers is included as Attachment 1 to this item. The online application process was closed on January 31, 2012.

CDE received 187 applications. Publisher interest in the review has been very high to date, although CDE will not know for certain how many reviewers are needed until after the May 16, 2012 submission deadline. Because of that uncertainty, CDE is recommending all qualified applicants that lack potential conflicts of interest for approval. If fewer reviewers are needed once the total submissions have been received, CDE will invite those reviewers with the most experience to participate in the review, focusing on current classroom teachers. To avoid conflicts of interest, the CDE is not recommending applicants who have received payments from a publisher of instructional materials in the last twelve months.

Some individuals who applied to be “content experts,” but did not have advanced degrees in the subject matter area, were recommended as “instructional materials reviewers.” Similarly, some reviewers who did not apply to be content experts, but who have the advanced degrees and subject-area expertise to serve in that role, are being recommended as content experts.

Brief profiles of the applicants are included with this item as Attachment 1. The full applications, including the applicants’ narrative responses to brief questions about their experience with the CCSS, are being provided to the SBE in a separate binder.

The CDE is recommending the following number of reviewers for approval:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Content Experts</th>
<th>Instructional Materials Reviewers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mathematics</td>
<td>6</td>
<td>59</td>
</tr>
<tr>
<td>English Language Arts</td>
<td>23</td>
<td>94</td>
</tr>
<tr>
<td>Total applicants recommended</td>
<td>182</td>
<td></td>
</tr>
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</table>
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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

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

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

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

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

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

**August 2010:** Pursuant to SB X51, the SBE adopted the academic content standards in English language arts and mathematics as proposed by the California Academic Content Standards Commission (ACSC); the standards include the CCSS and specific additional standards that the ACSC had deemed necessary to maintain the integrity and rigor of California’s already high standards.

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

**FISCAL ANALYSIS (AS APPROPRIATE)**

SB 140 directs the CDE to “use federal carryover funds received pursuant to Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.)” to carry out the supplemental instructional materials review. The CDE has budgeted $250,000 from those funds to complete the project. The CDE has contracted with the San Joaquin County Office of Education and the Orange County Office of Education to host the training of reviewers and their subsequent deliberations.
Attachment 1: Recommended Content Experts and Instructional Materials Reviewers (82 Pages)
**SUPPLEMENTAL INSTRUCTIONAL MATERIALS REVIEWER**  
**RECOMMENDED APPLICANTS FOR REVIEW PANELS**

## English/Language Arts–Content Experts

### Noreen M. Walton, Director II, Curriculum & Instruction  
Poway Unified School District, San Diego, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade and other Levels of Expertise:</td>
<td>9–12, Adult Education</td>
</tr>
</tbody>
</table>

**Highest Degrees/Certifications:**  
Master of Arts, English, University of Massachusetts, Boston; Bachelor of Arts, English, Emmanuel College, Boston; Single Subject Credential, Language Arts, California State University, San Marcos

### Michael R. Kelley, English teacher/ Academic Coach  
Moreno Valley Unified School District, Moreno Valley, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Academic/Literary Coaching</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade and other Levels of Expertise:</td>
<td>6–8, 9–12</td>
</tr>
</tbody>
</table>

**Highest Degrees/Certifications:**  
Master of Arts, English, California Polytechnic State University, Pomona; Master of Arts, Education, Chapman University; Bachelor of Arts, Secondary Education/English, University of Arizona
Danielle M. Moatakef, English Teacher/ Adjunct Reading Professor  
Diamond Ranch High School/ Chaffey Community College, Pomona, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve</th>
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<tr>
<td>Grade and other Levels of Expertise:</td>
<td>6–8, 9–12, Community College</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Education, Reading, University of La Verne; Master of Education, University of La Verne; Administrative Credential, California Polytechnic State University; Reading Credential, University of La Verne</td>
</tr>
</tbody>
</table>

Jodie C. Radford, Coordinator of Curriculum and Instruction, English Language Arts and History  
Antelope Valley High School District, Lancaster, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator, Teacher providing instruction to students in kindergarten or grades one to twelve</th>
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<td>Grade and other Levels of Expertise:</td>
<td>9–12</td>
</tr>
<tr>
<td>Highest Degrees/Certifications:</td>
<td>Bachelor of Arts, English, University of North Dakota; Reading Specialist Credential, University of La Verne; Master of Arts, Reading, University of La Verne; Doctorate Program Organizational Leadership, Currently Enrolled, University of La Verne</td>
</tr>
</tbody>
</table>
**Ami Szerencse, English Teacher/Literacy Coach**  
Schurr High School, Montebello, California

<table>
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<th>Area(s) of Expertise:</th>
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<td>Grade and other Levels of Expertise:</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, English Rhetoric and Composition, California State University, Dominguez Hills.; Certification Alternative Program Secondary Education: English, Northeastern Illinois University; Bachelor of Arts, Classics, Loyola University</td>
</tr>
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**Dea M. Conrad-Curry, Educational Consultant**  
Partner in Education, Alpha, Illinois

<table>
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<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator, Teacher providing instruction to students in kindergarten or grades one to twelve, Teacher not providing instruction to students in kindergarten or grades one to twelve, Parent, Community Member, School Board Member, Educational Consultant</th>
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<tr>
<td>Grade and other Levels of Expertise:</td>
<td>3–5, 6–8, 9–12, Professional Development of Inservice Teachers</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Doctor of Education, Illinois State University; Type 75 Administrative Certificate, Western Illinois University; Master of Arts, Literature &amp; Language, Western Illinois University; Bachelor of Arts, English, Augustana College</td>
</tr>
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</table>
### Ayanna M. Blackmon-Balogun, Teacher
Rialto Unified School District, Rialto, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Doctorate degree in Ed. Justice with emphasis in Literacy</th>
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<td>Grade and other Levels of Expertise:</td>
<td>K–2, 3–5, 6–8, College and Conference presenter</td>
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<td>Highest Degrees/Certifications:</td>
<td>Doctor of Education, University of Redlands; Master of Arts, Education: Educational Administration, California State University, San Bernardino; Master of Arts, Education: Teaching, Azusa Pacific University; Bachelor of Arts, Liberal Studies, California State University, San Bernardino</td>
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### Jan H. Stallones, Teacher on Assignment for Secondary Language Arts
Corona Norco Unified School District, Norco, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator, Teacher providing instruction to students in kindergarten or grades one to twelve, Teacher not providing instruction to students in kindergarten or grades one to twelve, Community Member, public speaking (Texas Speech Credential)</th>
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<td>Grade and other Levels of Expertise:</td>
<td>6–8, 9–12, teacher credential candidates at university level—content literacy</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Curriculum and Instruction, California Polytechnic State University, Pomona; Bachelor of Science, Speech Communication, University of Texas at Austin</td>
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</table>
### Susan Frediani, English Instructor
Quincy High School, Quincy, California

<table>
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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Parent</th>
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<td>Grade and other Levels of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Curriculum and Instruction, California State University, Sacramento; Bachelor of Arts, English, University of California, Berkeley; California State Teaching Credential, CCTC</td>
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### Carol J. Gallegos, Literacy Coach
Hanford Elementary School District, Hanford, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher not providing instruction to students in kindergarten or grades one to twelve, Language Development, Bilingual Education</th>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Ph.D., Curriculum &amp; Instruction, Capella University; Master of Arts, Education, Curriculum and Instruction, Chapman University; Multiple Subjects Credential, Chapman University; BCLAD, CCTC</td>
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**Georgianna Ravenna, Faculty**  
California State University, Fullerton, Fullerton, California

<table>
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<th>Area(s) of Expertise:</th>
<th>Teacher not providing instruction to students in kindergarten or grades one to twelve, Teacher Education</th>
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<td>Grade and other Levels of Expertise:</td>
<td>K–2, 3–5, 6–8, 9–12, Composition Instructor—University level</td>
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<td>Highest Degrees/Certifications:</td>
<td>Doctor of Education, University of Southern California; Master of Science, Education (Curriculum and Instruction), University of Southern California; Master of Arts, English, California State University, Northridge; Bachelor of Arts, French, University of California, Los Angeles</td>
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**Sharon V. Chappell, Assistant Professor**  
California State University Fullerton, Fullerton, California

<table>
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<th>Area(s) of Expertise:</th>
<th>Teacher not providing instruction to students in kindergarten or grades one to twelve, Teacher educator in diversity, English language learning</th>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Ph.D., Curriculum and Instruction, Arizona State University; Master of Arts, Art Education, School of the Art Institute; Multiple Subject Credential, CLAD, University of California, San Diego; Bachelor of Arts, English and Women's Studies, University of California, Berkeley</td>
</tr>
<tr>
<td>Tracy N. Wilson, Reading Language Arts Coordinator</td>
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<td>--------------------------------------------------</td>
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<tr>
<td>San Mateo County Office of Education, Redwood City, California</td>
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<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator, SMCOE Coordinator: Gifted Education, History/Social Science, Transitional Kindergarten</th>
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<td>Grade and other Levels of Expertise:</td>
<td>K–2, 3–5, 6–8, University: Adjunct Professor, Guest Instructor, Consultant</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Teaching Reading, National University; MCLAD, National University; Bachelor of Arts, History, University of California, Davis</td>
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<table>
<thead>
<tr>
<th>Joan Wang, RtI (Response to Intervention) Expert</th>
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</thead>
<tbody>
<tr>
<td>Los Angeles Unified School District, Gardena, California</td>
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<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Teaching English to Speakers of Other Languages, California State University, Los Angeles; Bachelor of Arts, Journalism, University of Southern California; Professional Clear Credential Secondary English with CLAD certification, California State University, Dominguez Hills</td>
</tr>
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</table>
### Karen D. Wagner, Learning Resources Coordinator
San Diego County Office of Education, San Diego, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator, Teacher not providing instruction to students in kindergarten or grades one to twelve, Parent, Community Member, I began my career as an elementary teacher in 1989. I am not currently in the classroom.</th>
</tr>
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<tbody>
<tr>
<td>Grade and other Levels of Expertise:</td>
<td>K–2, 3–5, 6–8</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Professional Clear Administrative Services/Master of Arts, San Diego State University; Reading Specialist Credential, San Diego State University; Multi-Subject Credential K–12, San Diego State University; Bachelor of Science, San Diego State University</td>
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### Frances M. Weissenberger, Elementary Principal
Pasadena Unified School District, Pasadena, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator, Reading Specialist Credential</th>
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<tbody>
<tr>
<td>Grade and other Levels of Expertise:</td>
<td>K–2, 3–5, 6–8, Graduate Course-Curriculum and Literacy Mount St. Mary College</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Masters of Arts, Educational Leadership, California State University, Northridge; Reading Specialist Credential, University of California, Los Angeles; Reading Certificate, University of California, Los Angeles; Bachelor of Arts, Child Development, California State University, Los Angeles</td>
</tr>
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</table>
### Heidemarie C. Taber, Teacher
Fontana Unified School District, Fontana, California

<table>
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<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator, Teacher providing instruction to students in kindergarten or grades one to twelve, Teacher not providing instruction to students in kindergarten or grades one to twelve</th>
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<td>Grade and other Levels of Expertise:</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education, California State University, Los Angeles; Bachelor of Arts, Child Development, California State University, Los Angeles; Early Childhood Specialist Credential, California State University, Los Angeles; Reading/Language Arts Specialist Credential, University of California, Riverside</td>
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</table>

### Emily J. Lawrence, Director, Assessment & Evaluation
Modesto City Schools, Modesto, California

<table>
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<tr>
<th>Area(s) of Expertise:</th>
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<td>Grade and other Levels of Expertise:</td>
<td>6–8, 9–12, Junior College</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Doctor of Education, Educational Leadership-Curriculum &amp; Instruction (anticipated completion March 2012), University of Phoenix; Master of Arts, English, University of the Pacific; Tiers I &amp; II Administrative Credentials, Chapman University, St. Mary's College; Bachelor of Arts, English/Education, University of California, Davis</td>
</tr>
</tbody>
</table>
**Teresa A. Twisselman, Coordinator, English/Language Arts**  
Kern County Superintendent of Schools, Bakersfield, California

<table>
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<th>Area(s) of Expertise:</th>
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<td>Grade and other Levels of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education (Reading), California State University, Bakersfield; California Reading Specialist Credential, California State University, Bakersfield; California Multiple Subjects Teaching Credential, California State University, Bakersfield; California Administrative Services Credential, Kern County Superintendent of Schools</td>
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</table>

**Kou Vang, Curriculum Specialist K–12 Reading Language Arts**  
Sacramento County Office of Education, Sacramento, California

<table>
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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Multicultural Multilingual Education, California State University, Sacramento; Reading Certificate, University of California, Davis Extension; Bachelor of Arts, Child Development, California State University, Sacramento</td>
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</table>
Monika M. Rose, English Teacher  
Lodi Unified - Lodi High School, Lodi, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, College instructor; Literary Press Editor; State test item writer; workshop facilitator</th>
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<tr>
<td>Grade and other Levels of Expertise:</td>
<td>9–12, College</td>
</tr>
<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, English, California State University, Stanislaus; Bachelor of Arts, English, California State University Stanislaus</td>
</tr>
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</table>

Louise M. Roachford-Gould, Principal  
Lodi Unified School District, Stockton, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator, Teacher providing instruction to students in kindergarten or grades one to twelve, Parent</th>
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<tr>
<td>Grade and other Levels of Expertise:</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education: Language &amp; Literacy, California State University, Sacramento; Reading/Language Arts Specialist Credential, California State University, Sacramento; Single Subject Credential, English, California State University, Sacramento; Bachelor of Arts, Drama, California State University, Sacramento</td>
</tr>
</tbody>
</table>
**Tally Burkhart, English Language Arts Coordinator**  
Accord Institute for Education Research, Westminster, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator, Teacher not providing instruction to students in kindergarten or grades one to twelve, Social Studies/American History</th>
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<td>Highest Degrees/Certifications:</td>
<td>Doctor of Education, Argosy University; Master of Education, National University; GATE and AP Composition Certificate, University of California, Riverside; Bachelor of Arts, English-Creative Writing, California State University, Long Beach</td>
</tr>
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</table>
### English/Language Arts–Reviewers

**Joanne Oien, Superintendent**  
New Hope Elementary School District, Thornton, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator</th>
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<tbody>
<tr>
<td>Grade and other Levels of Expertise:</td>
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</tr>
<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Business Administration, City University, Seattle; Bachelor of Arts, University Of Puget Sound; Administrator Credential, California State University, Sacramento</td>
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**Joanne Oien, Superintendent**  
New Hope Elementary School District, Thornton, California

<table>
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<tr>
<th>Area(s) of Expertise:</th>
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<tbody>
<tr>
<td>Grade and other Levels of Expertise:</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Business Administration, City University, Seattle; Bachelor of Arts, University Of Puget Sound; Administrator Credential, California State University, Sacramento</td>
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**Heather R. Wenzler, Teacher**  
Livermore Valley Charter School, Livermore, California

<table>
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<th>Area(s) of Expertise:</th>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education: Curriculum and Instruction, University of Phoenix; Multiple Subjects, CLAD Clear Credential, University of Phoenix; Bachelor of Arts, Liberal Studies, California State University, Hayward</td>
</tr>
</tbody>
</table>
Laura A. Gonzalez, Staff Development and Curriculum Specialist, English Language Arts  
Tulare County Office of Education, Visalia, California

<table>
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<th>Area(s) of Expertise:</th>
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<td>Grade and other Levels of Expertise:</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Educational Technology, University of the Pacific, Fresno; Administrative Credential, University of the Pacific, Fresno; Bachelor of Arts, Liberal Studies, California State University, Fresno; Multiple Subject Teaching Credential, California State University, Fresno</td>
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Erin D. Scheidt, Curriculum & Instruction Coach, Teacher on Special Assignment  
Madera Unified School District, Madera, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Curriculum &amp; Instruction Coach, Reading Intervention, CELDT</th>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Education, Instructional Design, Western Governors University; Multiple Subject Teaching Credential (CLAD), California State University, Fresno; Bachelor of Arts, Psychology, California State University, Fresno</td>
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</table>
Denise L. Mikkonen, Teacher Stone Ranch Elementary School  
Poway Unified School District, San Diego, California

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<th>Area(s) of Expertise:</th>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>National Board Certified, National Board for Professional Teaching Standards; Masters of Arts, Education, California State University, San Marcos; Writing Project Fellow, California State University, San Marcos Writing Project; Human Development/Liberal Arts, California State University, San Marcos</td>
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Charlene K. Stringham, English Language Arts Instructional Consultant  
Tulare County Office of Education, Visalia, California

<table>
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<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator, Teacher not providing instruction to students in kindergarten or grades one to twelve, Parent, Community Member</th>
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<td>Grade and other Levels of Expertise:</td>
<td>3–5, 6–8</td>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Curriculum &amp; Teaching, Fresno Pacific University; Clear Administrative Credential, SLLA Proficiency/AB 430; Clear Multiple Subjects Credential, California State University, Fresno; Bachelor of Arts, Liberal Studies, California State University, Fresno</td>
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### Christiana Smith, Program Improvement–English Support Mentor
East Side Union High School District, San Jose, California

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<tr>
<th>Area(s) of Expertise:</th>
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<td>Grade and other Levels of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education, with Reading/Language Arts Specialist Credential, Santa Clara University; Single Subject Teaching Credential, Santa Clara University; Bachelor of Arts, English/Creative Arts, San Jose State University</td>
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### Elizabeth Holcroft, Teacher
Pioneer Technical Center, Madera, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Curriculum and Teaching, Fresno Pacific University; Tier One Administrative Credential, Bridges to Leadership, Madera County Office of Education; Reading Specialist Certificate, Fresno Pacific University; Bachelor of Arts, English, California State University, Fresno</td>
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Valerie M. Skudlarski, English Teacher—Summit High School  
Fontana Unified School District, Fontana, California

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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Education, Reading Emphasis, University of California, Riverside; Clear Reading Certificate, University of California Extension Center, Riverside; Clear Single Subject Teaching Credential, English, University of California, Riverside; Bachelor of Arts., English, University of California, Riverside</td>
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Jennifer L. Buzolich, Teacher on Special Assignment  
Washington Unified School District, West Sacramento, California

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<th>Area(s) of Expertise:</th>
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<td>Grade and other Levels of Expertise:</td>
<td>K–2, 3–5, 6–8, only for English language arts intervention</td>
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<td>Highest Degrees/Certifications:</td>
<td>Preliminary Administrative Services Credential, Sacramento County Office of Education; Master of Science in Education, Curriculum, Instruction and Assessment, Walden University; Multiple Subject Teaching Credential with English Language Arts and Social Studies Supplementary Authorizations, California State University, Sacramento; Bachelor of Arts, Liberal Studies: Elementary Education, Humboldt State University</td>
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### Kristine M. Gagliano, Second Grade Teacher  
Cupertino Union School District, Santa Clara, California

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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Parent</th>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Teaching, Bellarmine University; Bachelor of Arts, Theater (Design), University of California, Los Angeles</td>
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### Stephanie A. Davies, Eighth Grade English Language Arts Teacher  
Linden Unified School District, Stockton, California

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<th>Area(s) of Expertise:</th>
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<td>Grade and other Levels of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Great Valley Writing Project Teacher Consultant, California State University, Stanislaus; CLAD Credential, California State University, Stanislaus; California Multiple Subject Clear Credential, National University; Bachelor of Arts, Psychology, University of California, Irvine</td>
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### Daniel J. Todd, Coordinator Secondary English Language Arts  
Fontana Unified School District, Fontana, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
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Lisa A. Stanley, Teacher  
Dry Creek Joint Elementary School District, Roseville, California

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<th>Area(s) of Expertise:</th>
<th>Administrator, Teacher providing instruction to students in kindergarten or grades one to twelve, Parent, Community Member, EL, GATE, Special Needs Learners</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education, University of Phoenix; Administrative Credential, California State University, Sacramento; Teaching Certification, Single Subject English, California State University, San Bernardino; Bachelor of Arts, English, California State University, San Bernardino</td>
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Seema Sabharwal, Teacher  
Tracy Unified School District, Tracy, California

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<td>Grade and other Levels of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Doctor of Education, Argosy University; Master of Education, Argosy University; Professionally Clear Multiple Subject Teaching Credential, California Commission on Teacher Credentialing; Cross, Cultural, Language, and Academic Development Credentials, California Commission on Teacher Credentialing</td>
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### Victoria D. Egge, Instructional Specialist
**Alhambra Unified School District, Alhambra, California**

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<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Teacher not providing instruction to students in kindergarten or grades one to twelve, Speech-Language</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Science, Communicative Disorders—Special Class authorization, University of Redlands; Bachelor of Science, Communicative Disorders, University of Redlands</td>
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### Frances M. Werking, Elementary Curriculum Coach
**Pasadena Unified School District, Pasadena, California**

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Science, Education, Elementary Math And Reading, Walden University; Multiple Subject Credential, California State University, Los Angeles; Bachelor of Arts, English Literature, California State University, Los Angeles</td>
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</table>
**Joanna L. Eagan-Murray, Program Ambassador**  
National University, La Jolla, California

| Area(s) of Expertise: | Administrator, Teacher providing instruction to students in kindergarten or grades one to twelve, Teacher not providing instruction to students in kindergarten or grades one to twelve, Parent, Community Member, Certified Support Provider for teacher going through National Board Certification; Master's Teacher |
| Grade and other Levels of Expertise: | 6–8, University—Master's Level Courses |
| Highest Degrees/Certifications: | National Board Certification, National Board for Professional Teaching Standards; Master of Arts, Education (Teaching), California State University, San Marcos; Bachelor of Arts, California State University, San Marcos |

**Mary M. Miller, Elementary Principal**  
Lodi Unified School District, Lodi, California

| Area(s) of Expertise: | Administrator |
| Grade and other Levels of Expertise: | K–2, 3–5 |
| Highest Degrees/Certifications: | Administrative Services Credential, California State University, Stanislaus; Master of Arts, Education (Curriculum and Instruction), California State University, Sacramento; Bachelor of Science, Concordia Teacher's College (Seward, Nebraska) |
### Kathryn Bayne, English Teacher/Academic Coach/Mentor Teacher
Moreno Valley Unified, Moreno Valley, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Teaching, Chapman University; Bachelor of Arts: English, University of California</td>
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### Danielle D. Donaldson-Lovette, English Language Arts Teacher Specialist, Secondary
Pomona Unified School District, Pomona, California

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<td>Highest Degrees/Certifications:</td>
<td>Master of Education, Cross-Cultural Teaching, National University; Bachelor of Arts, English, California State University, Fullerton</td>
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### Janice Gilmore-See, District Librarian
La Mesa-Spring Valley School District, La Mesa, California

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<th>Area(s) of Expertise:</th>
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<td>Grade and other Levels of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Library and Information Science, San Jose State University; Teacher Librarian Credential, California Commission on Teacher Credentialing; Multiple-Subject Teaching, University of Phoenix / CCTC; Bachelor of Science, Information Systems, University of Phoenix</td>
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Anne N. Harris, Literacy Coach/Reading Recovery Teacher/
Plumas Unified School District, Quincy, California

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<td>Master of Arts, Elementary Education, Reading, San Jose State University; Reading Specialist Credential, San Jose State University; Reading Recovery Training/Certification, St. Mary's College; Comprehensive Early Literacy Training, California State University, Santa Barbara</td>
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Barbara M. Cole, Coordinator English Language Arts, Director of BTSA
Merced County Office of Education, Merced, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education–Administration and Supervision, California State University, Fresno; Bachelor of Arts, Liberal Studies, California State University, Fresno; Professional Clear, Multiple Subject, California State University, Fresno; Clear Crosscultural, Language and Academic Development Certificate, California State University, Fresno</td>
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### Benita M. Sager, Coordinator of Student Accountability
Vallejo City Unified School District, Vallejo, California

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<tr>
<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Teaching, Learning and Technology, Point Loma University; Master of Arts, Educational Leadership, Point Loma University; Bachelor of Arts, Liberal Arts, Evergreen State College; Teacher Certification, Western Washington University</td>
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### Lisa A. Benham, Coordinator: English/Language Arts, History & Social Science
Fresno County Office of Education, Fresno, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Doctor of Education, Educational Leadership, University of LaVerne; Master of Arts, Education–Administration and Supervision, California State University, Fresno; Bachelor of Arts, Liberal Studies Credential, California State University, Fresno</td>
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### Katy Spicer, Teacher
Newcastle Elementary School District, Newcastle, California

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<td>Highest Degrees/Certifications:</td>
<td>Master of Education, Secondary Education, University of Phoenix; Bachelor of Arts, English, Trinity Western University</td>
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### Robert M. Kogler, English Teacher
New Millennium Secondary School, Carson, California

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<td>Highest Degrees/Certifications:</td>
<td>Bachelor of Arts, English Literature, California State University, Long Beach; Single Subject Teaching Credential, English Language Arts with CLAD emphasis, California State University, Long Beach</td>
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### Kay E. Hones, Librarian
Stevenson School, San Francisco, California

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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Support provider for National Board Candidates</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education Administration, San Francisco State University; Master of Arts, Media and Technology, University of Southern Mississippi; Bachelor of Arts, Nazareth College; NBPTS Library Media, National Board</td>
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### Mara Beardmore, Resource Specialist
Cupertino Union School District, Cupertino, California

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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Special Education Teacher</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Special Education, Santa Clara University; Bachelor of Science, Human Development/Early Childhood Education, California Polytechnic State University, San Luis Obispo</td>
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### Miki R. Inbody, Director, Curriculum and Instruction K–12
Redlands Unified School District, Redlands, California

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<th>Area(s) of Expertise:</th>
<th>Administrator, professional development</th>
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<td>Master of Arts, Educational Administration, California State University, San Bernardino; Bachelor of Arts, Liberal Studies, California State University, San Bernardino; Clear Administrative Services Credential, California State University, San Bernardino; Clear Multiple Subject Credential, University of California, Riverside</td>
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### Julie L. Gard, English Teacher and National Board Certified Teacher
Tracy Joint Unified School District, Tracy, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Bachelor of Arts, English, California State University, Stanislaus; Master of Education, Advanced Teaching Methods (5/2012), Teachers College of San Joaquin</td>
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### Jennifer J. Pesavento-Conway, Vice Principal
San Diego School of Creative and Performing Art, San Diego, California

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<th>Area(s) of Expertise:</th>
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<td>Grade and other Levels of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Doctor of Education, Educational Leadership, University of California, San Diego; Master of Education, Educational Administration, Southern Illinois University, Carbondale; Bachelor of Education, English Education, Southern Illinois University, Carbondale</td>
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**Cornelia G. Smith, Instructional Consultant, English Language Arts**  
Tulare County Office of Education, Visalia, California

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<th>Area(s) of Expertise:</th>
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<td>Master of Arts, Bilingual/Bicultural Education, California State University, Bakersfield; Clear Administrative Services Credential, California State University Bakersfield; Clear Specialist Instruction Bilingual Crosscultural Education, California State University, Bakersfield; Bachelor of Arts, Liberal Studies, California State University, Bakersfield</td>
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**Mary Funaoka, Language Arts Coordinator**  
Orange County Department of Education, Costa Mesa, California

<table>
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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Doctor of Education, Education Leadership, University of Southern California; Master of Education, Loyola Marymount University; Bachelor of Arts, English, University of California, Los Angeles</td>
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**Lora M. Caudill, Instructional Coach**  
Los Angeles Unified School District, San Pedro, California

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<th>Area(s) of Expertise:</th>
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<td>Master of Arts, Curriculum and Instruction, California State University, Dominguez Hills; Bachelor of Science, Psychology, California State University, Dominguez Hills; Associate of Arts, Child Psychology, Los Angeles Valley College</td>
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**Tammy L. Duggan, Teacher**  
Thermalito Union School District, Oroville, California

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### Marsha A. Stanley, English Language Arts Training Specialist
Sacramento City Unified School District, Sacramento, California

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<tr>
<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Bilingual-Multicultural Education, California State University Sacramento; English/BCLAD Teaching Credential, California State University Sacramento; Bachelor of Arts, English, California State University Sacramento</td>
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### Noelle K. Palumbo, English Teacher
San Diego Unified School District, San Diego, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Education, Cross-Cultural Teaching, National University; Bachelor of Arts, Communication, University of the Pacific; California Teaching Credential (CLAD), National University</td>
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**Deborah L. Rei, Academic Teacher - Adult Basic Education/ESL**  
California Department of Corrections and Rehabilitation, Jamestown, California

<table>
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<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher not providing instruction to students in kindergarten or grades one to twelve, Adult ESL, special education credentials (LH and RS certificate)</th>
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<td>Resource Specialist Certificate, Humboldt State University; Professional Clear Learning Handicapped credential, Humboldt State University; Professional Clear Multiple Subjects credential (K–12), Humboldt State University; Bachelor of Science, General Science, University of Maryland, College Park</td>
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**Belinda S. Bridgewater, ELA Training Specialist**  
Sacramento City Unified School District, Sacramento, California

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<th>Area(s) of Expertise:</th>
<th>Teacher not providing instruction to students in kindergarten or grades one to twelve, Instructional coach</th>
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<td>Grade and other Levels of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Reading Credential, University of California, Los Angeles Extension; Reading Certificate, University of California, Davis Extension; Multiple Subject Credential CLAD Emphasis, California State University, Sacramento; Bachelor of Science, Business Administration, San Jose State University</td>
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Nazle Spence, Secondary Instruction English Language Arts Teacher on Assignment
Fontana Unified School District, Fontana, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education, University of La Verne; Single Subject Teaching Credential, University of La Verne; Bachelor of Arts, English, University of California, Riverside</td>
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Megan M. James, RTI Specialist
Walnut Grove Elementary School, Walnut Grove, California

<table>
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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve</th>
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<td>Highest Degrees/Certifications:</td>
<td>Administrative Services Credential (in process), Leadership Institute, Sacramento County Office of Education; Multiple Subject Teaching Credential, California State University, Sonoma; Bachelor of Arts, Liberal Studies, California State University, Sonoma</td>
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**Melinda McCulloch, English Teacher**  
Paloma Valley High School, Menifee, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education, Azusa Pacific University; Teaching Credential (English), Azusa Pacific University; Bachelor of Arts, Psychology, California State University, San Bernardino</td>
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**Kathryn D. Eisenhower, Curriculum/RTI coach**  
Placer County Office of Education, Auburn, California

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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, AP Literature, Professional Learning Communities</th>
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<td>Highest Degrees/Certifications:</td>
<td>Single Subject Teaching Credential - English, California State University, Dominguez Hills; Bachelor of Arts, Speech Communications, California State University, Sacramento</td>
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### Jennifer L. Palmer, Coordinator of English Language Arts
Placer County Office of Education, Auburn, California

<table>
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<th>Area(s) of Expertise:</th>
<th>Administrator, Teacher providing instruction to students in kindergarten or grades one to twelve, Teacher not providing instruction to students in kindergarten or grades one to twelve, Parent</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Science (thesis pending), National University; Administrative Services Credential, Sacramento County Office of Education; Multiple Subject Teaching Credential, California State University, Sacramento; Bachelor of Arts, Psychology, California State University, Chico</td>
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### Renee L. Stender, 3rd Grade Teacher
Coleman School, San Rafael, California

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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Literacy and Assessment</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Science, Literacy and Assessment, Dominican University; Multiple Subject Credential, Sonoma State University; Bachelor of Arts, Sociology, San Francisco State University</td>
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### Annette R. Janeway, Principal
**ABC Unified School District, Cerritos, California**

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<td>Highest Degrees/Certifications:</td>
<td>Tier II Administrative Credential, California State University, Fullerton; Master of Science, Educational Administration, California State University, Fullerton; Professional Clear Teaching Credential, California State University, Dominguez Hills; Bachelor of Arts, English Literature, California State University, Long Beach</td>
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### Suzanne M. Snider, Literacy Specialist
**San Bernardino County Superintendent of Schools, San Bernardino, California**

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Education, Teaching, National University; Reading Specialist, National University; Teaching Credential, University of California, Irvine; Bachelor of Science, Sociology, Brigham Young University</td>
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### Jessie A. Tennessen, Teacher
Pleasant Valley School District, Camarillo, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Single Subject English Credential; Multiple Subject Credential, California State University, Channel Islands; Bachelor of Arts, Liberal Studies, San Diego State University</td>
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### Lisa M. Lopez-McClelland, Assessment/Professional Development Coordinator
Monterey Peninsula Unified School District, Monterey, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator, Teacher not providing instruction to students in kindergarten or grades one to twelve, ELA, AVID, Professional Development, AP Literature</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Science, Curriculum and Instruction, San Diego State University; Certificate: AVID; Certificate: California Literature Project; Certificate: California Writing Project, Certificate: AP Literature Teacher Training; Certificate: Springboard Pre-AP Training, Certificate: Read 180 Teacher Training</td>
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### Jeannee J. Neville, Asst. Principal
Helen Wilcox Elementary School, Palermo Union School District, Oroville, California

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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education: Curriculum &amp; Instruction, Chapman University College; Administrative Services Credential, Chapman University College; Multiple Subjects Teaching Credential, Chapman University College</td>
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### Jill A. Young, Classroom Teacher
Central Unified School District, Fresno, California

<table>
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<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Currently in Master’s Program in Supervision &amp; Administration</th>
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<td>Multiple Subject Credential, California State University, Fresno; Bachelor of Arts, Liberal Studies, California State University, Fresno</td>
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### David Locken, Teacher
Pleasant Valley School District, Camarillo, California

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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education, Administrative Credential, California State University, Channel Islands; Single Subject Teaching Credential, English, University of La Verne; Bachelor of Arts, Sociology, California Polytechnic State University, Pomona</td>
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### Susan T. Curry, 6th Grade Core Teacher
San Rafael City Schools, San Rafael, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Humanities, Dominican University; California Teaching Credential, California State University, East Bay; Bachelor of Arts, Communication, California State University, Hayward</td>
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### Debra Boggs, Literacy Consultant
Stanislaus County Office of Education, Modesto, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Educational Administration, California State University, Stanislaus; Single Subject Credential, English, California State University, Stanislaus; Bachelor of Arts, English, California State University, Stanislaus</td>
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### Heather L. Trovinger, 5th Grade Teacher
Marengo Ranch Elementary, Galt Joint Union Elementary School District, Galt, California

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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, GATE and ELD</th>
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<td>Highest Degrees/Certifications:</td>
<td>Multiple Subject Cleared Credential, National University; Bachelor of Arts, Liberal Arts, California State University, Sacramento; GATE Certificate, University of California, Davis Extension</td>
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**Vickie L. Youhill, PLC/RtI Coach**  
Placer County Office of Education, Auburn, California

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<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator, Response to Intervention and Professional Learning Community processes implementation</th>
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<td>Grade and other Levels of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Educational Leadership, California State University, Sacramento; Bachelor of Science, Education, Western Oregon University</td>
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**Timothy A. Budz, Staff Development and Curriculum Specialist - English Language Arts**  
Tulare County Office of Education, Visalia, California

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<th>Area(s) of Expertise:</th>
<th>Administrator, Parent, Staff Development and Curriculum Specialist, Literacy Coach</th>
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<td>Grade and other Levels of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts Degree - Curriculum and Instruction, California State University, Fresno; Bachelor of Arts Degree - Liberal Studies-Elementary Education, California State University, Fresno; Reading Specialist Credential, Fresno Pacific University; Reading Recovery Certificate, California State University, Fresno</td>
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**Becky L. Moore, Academic Coach**  
Gonzales Unified School District, Gonzales, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Reading and Literacy, Marygrove College; Multiple Subject Credential, California State University, Monterey Bay; Bachelor of Arts, Liberal Studies, California State University, Monterey Bay</td>
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**Gretchen Skrotzki, Principal**  
El Tejon Unified School District, Lebec, California

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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education: Educational Administration, California State University, Bakersfield; Master of Arts, Education: Curriculum, California State University, Bakersfield; Reading Specialist Credential, California State University, Bakersfield</td>
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**Susan J. Ollis, Teacher**  
Stockton Unified School District/Henry Elementary, Stockton, California

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<th>Area(s) of Expertise:</th>
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<td>Masters of Arts, Education with Reading Concentration, California State University, Stanislaus; Professional Clear Multiple Subject Teaching Credential with CLAD, California State University, Stanislaus; Professional Clear Specialist Instruction Credential in Reading and Language Arts, California State University, Stanislaus; National Board Certified Teacher, Early Childhood Generalist for children 3–8, National Board</td>
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**Andrew Wood, Coordinator**  
Placer County Office of Education, Auburn, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Preliminary Administrative Credential, California State University, Sacramento; Multiple Subject Clear Credential, Project Pipeline; Bachelor of Arts, California State University, Sacramento</td>
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Karen M. Enghusen, Teacher  
Auburn Union School District, Auburn, California

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<td>Highest Degrees/Certifications:</td>
<td>Bachelor of Arts, History, Anthropology, University of California, Santa Barbara; Clear Multiple Subject Teaching Credential, National University</td>
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Kathleen M. Jaquin, Elementary Principal  
Newport Mesa Unified School District, Costa Mesa, California

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<th>Area(s) of Expertise:</th>
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<td>Grade and other Levels of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Science, Elementary Education, Niagara University; Professional Administrative Services Credential, University of La Verne</td>
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### Merianne Segovia, Support Provider
Chaffey Joint Union High School District, Ontario, California

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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Teacher not providing instruction to students in kindergarten or grades one to twelve, Parent</th>
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<td>Highest Degrees/Certifications:</td>
<td>National Board Certification in English as a New Language/Early Adolescence through Young Adulthood, National Board for the Professional Teaching Standards; Master of Arts, Education: Curriculum and Instruction (degree to be completed in July 2012), Concordia University; Reading/Language Arts Specialist Credential, University of California, Riverside Extension; Bachelor of Arts, Double Major in Psychology and Ethnic Studies, graduated with Honors, California State University, Fullerton</td>
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### Rachael D. Berger, Manager of Organizational Learning
Gibson & Associates, Oakland, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Public Policy, University of California, Los Angeles; Single Subject Credential, St. Mary's College; Bachelor of Arts, University of California, Davis</td>
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### Angela M. Borgwardt, 8th Grade ELA/History Teacher
Loomis Union School District, Loomis, California

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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Parent, Community Member</th>
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<td>Master of Arts, Education: Curriculum and Instruction, California Polytechnic State University, San Luis Obispo; Bachelor of Arts, Liberal Studies, California Polytechnic State University, San Luis Obispo; Preliminary Multiple Subject Teaching Credential, State of California Commission on Teacher Credentialing; CTEL, State of California Commission on Teacher Credentialing</td>
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### Jason Brem, Assistant Principal
Turlock Junior High School, Turlock Unified School District, Turlock, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
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### Nancy J. Martin, Teacher
Linden Unified School District, Linden, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Education, Teacher’s College of San Joaquin; Clear Multiple Subject Teaching Credential, California State University, Stanislaus; Bachelor of Arts, German, University of California, Davis</td>
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### Jennifer L. Johnson, Director of Curriculum, Instruction, and Assessment
Arvin Union School District, Arvin, California

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<th>Area(s) of Expertise:</th>
<th>Administrator, Parent, Reading Language Arts, Assessment, Mathematics</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education: Educational Leadership, Point Loma Nazarene University; Bachelor of Arts, Liberal Studies, California State University, Bakersfield; Clear Multiple Subject Teaching Credential: Supplementary Authorizations in English and ESL, California State University, Bakersfield; Clear Reading Certificate, California Department of Education</td>
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<tr>
<td>Name</td>
<td>Position</td>
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<td>-----------------------------</td>
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<tr>
<td>M. Louise Gibson, Teacher</td>
<td>Teacher</td>
</tr>
<tr>
<td>Christine C. Sabala, Teacher</td>
<td>Teacher</td>
</tr>
<tr>
<td>Amy B. Krier, Curriculum Coach/Professional Development Teacher on Special Assignment</td>
<td>Curriculum Coach/Professional Development Teacher on Special Assignment</td>
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Janet L. Dickey, 1st Grade Teacher/ Curriculum Advisory Committee Coordinator  
Mesa View School, Romoland School District, Homeland, California

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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, District Curriculum Committee Coordinator</th>
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<td>Master of Science, Curriculum &amp; Instruction, National University; Multiple Subject Teaching Credential, San Diego State University; Bachelor of Arts, Liberal Studies, San Diego State University</td>
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Jamie J. Moso, Teacher 4th grade  
Lodi Unified School District, Lodi, California

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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Bachelor Degree in Accounting</th>
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<td>Highest Degrees/Certifications:</td>
<td>State of California Teaching Credential, San Joaquin County Office of Education; Bachelor of Science, Accounting, Humphreys College</td>
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**Shannon N. Baker, Coordinator of Curriculum, Assessment, and Evaluation**  
Norwalk - La Mirada Unified School District, Norwalk, California

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<th>Area(s) of Expertise:</th>
<th>Administrator, Literacy Consultant</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Reading Education, San Diego State University; Bachelor of Arts, Political Science and History, University of Southern California; Administrative Credential, University of San Diego; Multiple Subjects Teaching Credential, University of San Diego</td>
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**Sarah Savage, English Language Arts Department Head**  
Alberti Schools, San Francisco, California

<table>
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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Elementary Education, San Francisco State University; California Clear Multiple Subjects Teaching Credential, San Francisco State University; Bachelor of Arts, Theater Arts and Dance, University of California, Santa Cruz</td>
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<tr>
<td><strong>Jennifer P. O'Connor, Literacy Resource Teacher</strong></td>
<td></td>
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<tr>
<td>San Diego Unified School District, San Diego, California</td>
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<tr>
<td>Area(s) of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Preliminary Administrative Services Credential, San Diego State University; Master of Arts, Education: Curriculum and Instruction, San Diego State University; Single Subject Teaching Credential - English, San Diego State University; Bachelor of Arts, English, San Diego State University</td>
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| **Jacquelyn Ewart, Response to Instruction and Intervention Expert** |  |
| Los Angeles Unified School District - Local District 2, Sun Valley, California |  |
| Area(s) of Expertise: | Teacher not providing instruction to students in kindergarten or grades one to twelve |
| Grade and other Levels of Expertise: | K–2, 3–5 |
| Highest Degrees/Certifications: | Master of Arts Educational Leadership and Policy - in progress, California State University, Northridge; Bachelor of Arts, Music Education and Performance, University of Arizona; Gifted and Talented Education Certificate, University of California, San Diego |
**Erin P. Hilliard, District Testing Coordinator, TOSA**  
Morongo Unified School District, Twentynine Palms, California

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<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Teacher not providing instruction to students in kindergarten or grades one to twelve</th>
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<tr>
<td>Grade and other Levels of Expertise:</td>
<td>6–8, 9–12</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Science, Guidance Counseling, National University; California Teaching Credential, California State University, San Bernardino; Bachelor of Science, Social Studies, Chapman University</td>
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**Cheryl A. Suliteanu, Teacher**  
Oceanside Unified School District, Oceanside, California

<table>
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<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve</th>
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<td>Grade and other Levels of Expertise:</td>
<td>K–2, 3–5, 6–8, university</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>National Board Certified Teacher, English as a New Language, National Board for Professional Teaching Standards; Master of Education, University of Phoenix; Multiple subject, CLAD teaching credential, with supplemental authorization in English, California State University, San Marcos; Bachelor of Arts, Liberal Studies, California State University, Northridge</td>
</tr>
</tbody>
</table>
### Steven I. Whitley, Teacher
FUSD, Fontana, California

<table>
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<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve</th>
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<td>Grade and other Levels of Expertise:</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Education, Urban Education, Langston University; Bachelor of Arts, Broadcast Journalism, Langston University; CLAD Certification, University of Phoenix</td>
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### Celia L. Castro, Teacher
Fontana Unified School District, Fontana, California

<table>
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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Department Chair</th>
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<td>Grade and other Levels of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Bachelor of Arts, Graphic Arts, California State University, San Bernardino; Bachelor of Arts, Theatre Arts, California State University, San Bernardino; Single Subject English, California State University, San Bernardino</td>
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### Jo E. Seick, 4th Grade Teacher
Beaumont Unified School District, Beaumont, California

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<tr>
<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education: Teaching, Azusa Pacific University; Bachelor of Science, Business and Management, University of Redlands; Clear Cross-cultural, Language, and Academic Development Certificate, Institution not listed by applicant</td>
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### Linda M. Palomino, Curriculum Specialist  
Santa Ana Unified School District, Santa Ana, California

<table>
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<th>Area(s) of Expertise:</th>
<th>Teacher not providing instruction to students in kindergarten or grades one to twelve</th>
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<td>Grade and other Levels of Expertise:</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education, United States International University; Multiple Subject Credential, Los Angeles Unified School District; Bachelor of Arts, Sociology, California State University, Fullerton; Bilingual Certificate of Competence, Spanish, California Commission on Teaching Credentialing</td>
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### Erica Contreras, Teacher  
Hillview Middle School, Whittier, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education, Whittier College; Teacher Credentials, California State University, Fullerton; Bachelor of Arts, California State University, Fullerton</td>
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### Jennifer P. Moreno, ELA Instructional Coach/Classroom Teacher  
Modesto City Schools, Modesto, California

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<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve</th>
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<td>Grade and other Levels of Expertise:</td>
<td>9–12</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Education, National University; Single Subject Credential: English, National University; Bachelor of Arts, English, University of California, Davis</td>
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### Marianne Chang, ELA Instructional Coach/Intervention Teacher  
Lodi Unified School District, Stockton, California

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<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, instructional coaching</th>
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<td>Grade and other Levels of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Science, Organizational Leadership (July, 2012), National University; California Clear Reading Certificate, CCTC; Reading Recovery, Saint Mary’s College; California Clear Multiple Subject Credential, Holy Names college</td>
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# Mathematics–Content Experts

## Barbara G. Wells, Director, Mathematics Diagnostic Testing Project
(Retired) University of California, Los Angeles, Mathematics Department Faculty, Los Angeles, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Community Member, Teaching pre-service mathematics teachers; providing secondary teachers professional development</th>
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<tr>
<td>Grade and other Levels of Expertise:</td>
<td>6–8, 9–12, university</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Ph.D., Mathematics Education, University of California, Los Angeles; Master of Arts, Education, University of California, Los Angeles; Bachelor of Science, Mathematics, Howard University; Lifetime Secondary Credential Mathematics, California Teaching Commission</td>
</tr>
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## Cindy P. Hendrix, Coordinator of Curriculum and Instruction, Mathematics and Science
Antelope Valley Union High School District, Lancaster, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator, Teacher not providing instruction to students in kindergarten or grades one to twelve</th>
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<td>Grade and other Levels of Expertise:</td>
<td>9–12</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Doctor of Education, Educational Leadership, California Lutheran University; Master of Science, Mathematics, California State University, Northridge; Bachelor of Arts, Mathematics Education, Eastern Washington University</td>
</tr>
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### Philip I. Ogbuehi, Mathematics Specialist
Los Angeles Unified School District, Los Angeles, California

<table>
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<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator, Teacher providing instruction to students in kindergarten or grades one to twelve</th>
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<td>Grade and other Levels of Expertise:</td>
<td>6–8, 9–12, University</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Ph.D., Mathematics and Science Education, Curtin University of Science and Technology, Perth, Western Australia; Master of Science, Chemical Engineering, California State University, Long Beach; Master of Science, Chemical Engineering, University of Lagos; Bachelor of Science, Chemical Engineering, University of Port Harcourt</td>
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### Felipe H. Razo, Assistant Professor
California State University, East Bay, Hayward, California

<table>
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<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, engineering, business administration</th>
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<td>Grade and other Levels of Expertise:</td>
<td>K–2, 3–5, 6–8, 9–12, university engineering</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Ph.D., Education Technology, Claremont Graduate University/San Diego State University; Master of Business Administration, Management, San Diego State University, Bachelor of Science, Electric and Systems Engineering, Instituto Politecnico Nacional, Mexico</td>
</tr>
</tbody>
</table>
### Joseph R. Fiedler, Professor of Mathematics  
California State University, Bakersfield, Bakersfield, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Community Member, Mathematics Teacher educator</th>
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<td>Grade and other Levels of Expertise:</td>
<td>6–8, 9–12, College University</td>
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<td>Highest Degrees/Certifications:</td>
<td>Ph.D., Mathematics, Ohio State University; Master of Science, Mathematics, Ohio State University; Bachelor of Arts, Mathematics, Harvard University</td>
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### Barbara A. Parr, Academic Program Leader  
Bakersfield City School District, Bakersfield, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, I served as an English Language Professional Development Trainer for my District using the math curriculum.</th>
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<td>Grade and other Levels of Expertise:</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Preliminary Administrative Credential, Fresno Pacific University; Master of Arts, Education, Fresno Pacific University; Clear Single Subject Credential, Mathematics, California State University, Bakersfield; Master of Science, Mathematics, California State University, Bakersfield</td>
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</table>
Mathematics—Reviewers

Christa A. Wallis, Resource Teacher
San Bernardino City Unified School District, San Bernardino, California

Area(s) of Expertise: Teacher not providing instruction to students in kindergarten or grades one to twelve
Grade and other Levels of Expertise: K–2, 3–5
Highest Degrees/Certifications: Master of Arts, Psychology, Chapman University; K–9 Standard Teaching Credential–Life, University of California, Irvine; Bilingual Cross-Cultural Specialist Credential–Life, University of California, Irvine; Bachelor of Arts, Spanish, University of California, Irvine

Katharine Fisher, Teacher
Pleasant Valley School District—Monte Vista Middle School, Camarillo, California

Area(s) of Expertise: Teacher providing instruction to students in kindergarten or grades one to twelve, Parent, Community Member
Grade and other Levels of Expertise: 6–8
Highest Degrees/Certifications: Teacher Preparation Program, California Lutheran University; Bachelor of Arts, Liberal Arts, California Lutheran University
**Philip Brann, Elementary Math Training Specialist**  
Sacramento City Unified School District, Sacramento, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator, Teacher providing instruction to students in kindergarten or grades one to twelve, Teacher not providing instruction to students in kindergarten or grades one to twelve, Parent, Community Member</th>
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<td>Grade and other Levels of Expertise:</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Education, Cross-Cultural Education, National University; Preliminary Administrative Services Credential, National University; Clear Single Subject Teaching Credential, National University; Bachelor of Arts, Pure Mathematics, University of California, Santa Cruz</td>
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**Chris G. Dell, Director, K12 Mathematics and Technology**  
Shasta County Office of Education, Redding, California

<table>
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<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator, Teacher not providing instruction to students in kindergarten or grades one to twelve</th>
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<td>Grade and other Levels of Expertise:</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Science, Mathematics Education, California State University, Chico; Preliminary Administrative Services Credential; Professional Clear Single Subject Teaching Credential, Vanguard University of Southern California; Bachelor of Science, Mathematics, Vanguard University of Southern California</td>
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### Erik Moll, District Math Specialist  
Oakland Unified School District, Oakland, California

<table>
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<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher not providing instruction to students in kindergarten or grades one to twelve, District Math Specialist</th>
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<tr>
<td>Grade and other Levels of Expertise:</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Education and Curriculum, Arizona State University; Bachelor of Science, Communications, Boston University; Administrative Credential, California State University, East Bay</td>
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### Natalie E. Albrizzio, Secondary Math Specialist  
Ventura Unified School District, Ventura, California

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<th>Area(s) of Expertise:</th>
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<td>Grade and other Levels of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Preliminary Administrative Services Credential, California State University, Northridge; Master of Arts, Educational Leadership, California State University, Northridge; Single Subject Teaching Credential, Mathematics, California Lutheran University; Bachelor of Arts, Mathematics, University of California, Santa Barbara</td>
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**Patricia Gorse, Teacher**  
Pasadena Unified School District, Pasadena, California

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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Parent</th>
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<td>Grade and other Levels of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education (Technology and Curriculum), University of Phoenix; Bachelor of Arts, Mathematics, University of California, Riverside</td>
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**Sunny W. Chin-Look, Math Instructional Specialist at District Level**  
Alhambra Unified School District, Alhambra, California

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<th>Area(s) of Expertise:</th>
<th>Teacher not providing instruction to students in kindergarten or grades one to twelve, Parent, Community Member</th>
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<td>Grade and other Levels of Expertise:</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>National Board Certified Teacher in Mathematics, National Board for Professional Teaching Standards; Master of Arts, Education Leadership, National University; Bachelor of Arts, Speech Communications, California State University, Northridge; Bilingual/ Bicultural Certification, California Department of Education</td>
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### Jennifer Montgomery, Mathematics Teacher Specialist

Pomona Unified School District, Pomona, California

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<th>Area(s) of Expertise:</th>
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<td>Grade and other Levels of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education (Curriculum and Instruction), California Polytechnic State University, Pomona; Multiple Subject Credential, California Polytechnic State University, Pomona; Secondary Mathematics Foundational Credential, California Polytechnic State University, Pomona; Bachelor of Arts, Liberal Studies with a mathematics concentration, California Polytechnic State University, Pomona</td>
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### Christina L. Goennier, Director of Assessment and Accountability

Beaumont Unified School District, Beaumont, California

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<th>Area(s) of Expertise:</th>
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<td>Grade and other Levels of Expertise:</td>
<td>K–2, 3–5, 6–8, 9–12, College/University teacher admin programs</td>
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<td>Highest Degrees/Certifications:</td>
<td>Doctor of Education, Organizational Leadership, University of LaVerne; Master of Arts, Educational Leadership, California State University, San Bernardino; Bachelor of Arts, Biological Sciences, California State University, San Bernardino</td>
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Raine R. Bumatay, Administrator  
Fresno Unified School District, Fresno Adult School, Fresno, California

<table>
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<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator, Teacher providing instruction to students in kindergarten or grades one to twelve</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education, California State University, Fresno; Supplementary Credential, Mathematics, Fresno Pacific University; Bachelor of Arts, California State University, Fresno; Language Development Specialist Credential, California State University, Fresno</td>
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Oghwa Ladner, Teacher on Special Assignment, Secondary Math  
Alvord Unified School District, Riverside, California

<table>
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<th>Area(s) of Expertise:</th>
<th>Teacher not providing instruction to students in kindergarten or grades one to twelve, Secondary Mathematics (g. 6–12)</th>
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<td>Grade and other Levels of Expertise:</td>
<td>6–8, 9–12, Mathematics: Algebra 1 and more</td>
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<td>Highest Degrees/Certifications:</td>
<td>Doctor of Education, K–12 Leadership, University of Southern California; Master of Arts, Educational Administration, California State University, San Bernardino; Master of Arts, Curriculum and Instruction, Chapman University; Bachelor of Arts, Liberal Studies, California State University, San Bernardino</td>
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### Jennifer A. Blum, Teacher
Val Verde Unified School District, Perris, California

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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Doctor of Education, Educational Leadership, California State University, San Bernardino; Master of Arts, Educational Administration, California State University, San Bernardino; Teaching Credential, CLAD, California State University, Los Angeles; Bachelor of Arts, Psychology, California State University, Fullerton</td>
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### Nata N. Shin, Curriculum Specialist
Santa Ana Unified School District, Santa Ana, California

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<td>Highest Degrees/Certifications:</td>
<td>Master of Science, Educational Leadership, anticipated in May 2012, California State University, Fullerton; Bachelor of Science, Computer Science, University of California, Irvine</td>
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<tr>
<td>Name</td>
<td>Position</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------------</td>
</tr>
<tr>
<td>Katherine A. Wolterbeek</td>
<td>Teacher</td>
</tr>
<tr>
<td>Kirsten Maurer</td>
<td>Teacher</td>
</tr>
<tr>
<td>Mariphil A. Romanow-Cole</td>
<td>Principal</td>
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</table>
David J. Chun, Director of Mathematics K–12  
Sacramento County Office of Education, Mather, California

<table>
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<th>Area(s) of Expertise:</th>
<th>Teacher not providing instruction to students in kindergarten or grades one to twelve, Parent, Community Member</th>
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<td>Grade and other Levels of Expertise:</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Science, Instructional Leadership (Curriculum Development), National University; Teaching Credential, Single Subject, Mathematics, National University; Bachelor of Arts, Mathematics, The Master's College</td>
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Jose L. Dorado, Instructional Coach  
Osceola St. School, Los Angeles Unified School District, Sylmar, California

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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Educational Leadership and Policy Studies, California State University, Northridge; Multiple Subject Teaching Credential, California State University, Northridge; Bachelor of Arts, Cinema/TV Production, University of Southern California</td>
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### Emily C. Oliva, Superintendent
Elk Grove Unified School District (Dr. Steven Ladd), Elk Grove, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve</th>
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<td>Grade and other Levels of Expertise:</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Master of Education, Harvard University Graduate School of Education; Clear Single Subject Teaching Credential, California Commission on Teacher Credentialing; Bachelor of Arts, Evolution and Ecology, University of California, Davis; Minor in Mathematics, University of California, Davis</td>
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### Ryan Galles, Principal
Lake Tahoe Unified School District, South Lake Tahoe, California

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<tr>
<th>Area(s) of Expertise:</th>
<th>Administrator, Teacher providing instruction to students in kindergarten or grades one to twelve</th>
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<td>Grade and other Levels of Expertise:</td>
<td>K–2, 3–5</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Bachelor of Arts, History/Political Science, University of California, Davis; Multiple Subject Credential, California State University, Sacramento; Master of Arts, Language and Literacy, California State University, Sacramento</td>
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### Aileen M. Rizo, Mathematics Consultant
Fresno County Office of Education, Fresno, California

<table>
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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Teacher not providing instruction to students in kindergarten or grades one to twelve</th>
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<td>Grade and other Levels of Expertise:</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>California Clear Credential Secondary Math, Fresno County Office of Education; Arizona Credential Math with ELL endorsement, Arizona Department of Education; Master of Education, Northern Arizona University; Bachelor of Science, Secondary Mathematics Education, Bob Jones University</td>
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### Stephanie Y. Ling, Math Teacher (Pre-Algebra & Algebra)
Redwood Middle School, Saratoga Unified School District, Saratoga, California

<table>
<thead>
<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Parent</th>
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<td>Grade and other Levels of Expertise:</td>
<td>6–8</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>California Single Subject (General Mathematics) Cleared Credential, State of California; Master of Science, Education (Specializing in Grade 6–8 Mathematics Education), Walden University; Bachelor of Science, Computer Science and Mathematics, Purdue University</td>
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</tbody>
</table>
**Fran Gibson, Mathematics Curriculum Specialist**  
Sacramento County Office of Education, Sacramento, California

<table>
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<tr>
<th>Area(s) of Expertise:</th>
<th>Teacher not providing instruction to students in kindergarten or grades one to twelve, Parent</th>
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<td>Grade and other Levels of Expertise:</td>
<td>K–2, 3–5</td>
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<tr>
<td>Highest Degrees/Certifications:</td>
<td>Administrative Credential, California State University, Sacramento; Ryan Multiple Subject Credential, University of California, Davis; Bachelor of Arts, Mass Communications, University of California, Davis</td>
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**Karen S. Luke, 5th Grade Teacher**  
Davis Joint Unified School District, Davis, California

<table>
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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education Technology, California State University, Sacramento; Master of Education, Cross Cultural Teaching, National University; GATE Certification, California State University, Fullerton; Bachelor of Arts, Geography, California State University, Sacramento</td>
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**Carol E. Treglio, Secondary Math Resource Teacher**  
San Diego Unified, San Diego, California

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<th>Area(s) of Expertise:</th>
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<td>6–8, 9–12</td>
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<td>Highest Degrees/Certifications:</td>
<td>Administrative Services Credential, Tier 1; Master of Science, Applied Science (focus on Math), New Jersey Institute of Technology; Bachelor of Arts, Secondary Mathematics Education, Rider University</td>
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Kendall Roberg, Teacher  
Burbank Unified School District, Burbank, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Mathematics Education (pending Spring 2012), California State University, Northridge; California Mathematics Teacher Credential (FULL), California State University, Northridge; Bachelor of Science, Statistics, California Polytechnic State University, San Luis Obispo</td>
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Bama S. Medley, Teacher on Special Assignment  
Santa Maria-Bonita School District, Santa Maria, California

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<td>Master of Arts, Education, University of La Verne; Preliminary Administrative Services Credential, Tier 1, Chapman University; Bachelor of Arts, Liberal Studies, California Polytechnic State University, San Luis Obispo</td>
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Floyd Flack, Teacher  
Westminster School District, Westminster, California

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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Educational Administration, California State University, Los Angeles; Bachelor of Arts, English, Whittier College</td>
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Linda N. Saeta, Mathematics Teacher, International Baccalaureate Coordinator-Diploma Program
Claremont Unified School District, Claremont, California

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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Parent, Community Member, International Baccalaureate Coordinator, Diploma Program-Quasi-administrative.</th>
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<td>Highest Degrees/Certifications:</td>
<td>Juris Doctorate, Georgetown University Law Center; Bachelor of Arts, Mathematics and History, University of Colorado, Boulder</td>
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David L. Russell, 6th Grade math instructor
Lake Elsinore Unified School District, Lake Elsinore, California

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<td>Masters of Arts, Elementary Math Education, Western Governors University; Clear Multiple Subject Teaching Credential, Document Number 090138157, California Commission on Teacher Credentialing; Post Baccalaureate coursework for teaching credential, California State University, San Marcos; Bachelor of Science, Mechanical Engineering, University of Maryland, College Park</td>
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### Derek S. Swem, Secondary Instruction, Mathematics Coordinator
Fontana Unified School District, Fontana, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Educational Administration, California State University, San Bernardino; Master of Science, Elementary Education, State University of New York, Potsdam; Bachelor of Science, Interdisciplinary Natural Sciences and Mathematics, Education, State University of New York, Potsdam</td>
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### Katherine A. Kinnaman, Elementary Math Teacher on Special Assignment
Palo Alto Unified School District, Palo Alto, California

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<td>Highest Degrees/Certifications:</td>
<td>Bachelor of Arts, Human Biology, Stanford University; Multiple Subject Teaching Credential, Notre Dame de Namur, Belmont, CA</td>
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**Maria T. Hirsch, Math Consultant**  
Los Angeles County Office of Education, Downey, California

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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Elementary Science, California State University, Fullerton; Secondary Single Subject Life Credential, Mathematics, California State University, Northridge; Bachelor of Arts, Mathematics, University of California, Los Angeles</td>
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**Jacqueline Piddington, Teacher on Assignment- Elementary Math**  
Fontana Unified School District, Fontana, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education, University of California, Riverside; Administrative Services Credential, University of California, Riverside (Exam); Multiple Subject Teaching Credential, University of California, Riverside; Bachelor of Arts, Liberal Studies, University of California, Riverside</td>
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### Lori L. Walton, Teacher
Colton Joint Unified School District, Bloomington, California

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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Management experience in private sector prior to teaching.</th>
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<td>Master of Arts, Education, Educational Psychology, University of California, Riverside; Supplementary Authorization in Mathematics, University of California Riverside Extension; Multiple Subject Professional Clear Credential, BCLAD (Spanish), California State University, San Bernardino; Bachelor of Arts, Liberal Studies, Minor in Spanish, California State University, San Bernardino</td>
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### Shana D. Newcomb, Teacher
Riverside Unified School District, Riverside, California

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<td>Highest Degrees/Certifications:</td>
<td>Single Subject CLAD Clear Credential, California State University, San Bernardino; Bachelor of Arts, Mathematics, California State University, San Bernardino</td>
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### Erin B. Ryan, Teacher
Vista Charter Middle School, Los Angeles, California

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<tr>
<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education (May 2012), California State University, Sacramento; California Multiple Subject Teaching Credential, California State University, Sacramento; Bachelor of Arts, Child Development, California State University, Sacramento</td>
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### Carol E. Cronk, Math Coordinator
San Bernardino County Superintendent of Schools, San Bernardino, California

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<th>Area(s) of Expertise:</th>
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<td>Grade and other Levels of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education: Educational Administration, Chapman University; Bachelor of Arts, California State Polytechnic University, Pomona</td>
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**Alice Li, Math Teacher**  
*Evergreen Valley High School, San Jose, California*

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Education, Cross-Cultural Teaching, National University; Clear Single Subject Teaching Credential in Mathematics and Mandarin, California Commission on Teaching Credentialing; Academic Success for English Learners and Migrant Students Using Research-Based, Santa Clara County Office of Education</td>
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**Adelita Martinez, Coordinator of mathematics and ELs**  
*Stanislaus County Office of Education, Modesto, California*

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Administrative Credential, CDE; Teaching Credential/BCLAD, Chapman University; Bachelor of Arts, Social Welfare, University of California, Berkeley</td>
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**Emily A. Dixon-Hull, Area Director**  
ClubZ-Tutoring, Same as above, California

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<th>Area(s) of Expertise:</th>
<th>Administrator, Teacher providing instruction to students in kindergarten or grades one to twelve, Language Development Specialist Credential</th>
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<td>Grade and other Levels of Expertise:</td>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Education, Educational Leadership, California State University, Los Angeles; Bachelor of Science, Social Science, University of Wisconsin, Madison; Leadership- Colloquium for Aspiring Principals Certificate, University of California, Los Angeles/Association of California School Administrators; Mathematics Project Certificate, Center for Academic Interinstitutional Programs, University of California, Los Angeles</td>
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**Juan Gomez, Math Instructional Coach/Math Teacher**  
Carmel Unified School District, Carmel, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Certificate of Eligibility Administrative Services Credential, examination; Clear Single Subject Teaching Credential-Math, California State University, Sacramento; Bachelor of Science, Mathematics, University of California, Davis</td>
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**Debrah Lindsey, Teacher on Special Assignment**  
Corona-Norco Unified School District, Norco, California

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<td>Highest Degrees/Certifications:</td>
<td>Master of Educational Administration, National University; Credential/Single Subject Math with CLAD emphasis, University of California, Riverside; Bachelor of Arts, Mathematics, University of California, Riverside</td>
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**Sally A. Finch, Teacher**  
Mountain Oaks School, San Andreas, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Single Subject Credential, California State University, Chico; Bachelor of Science, Mathematics, California State University, Chico</td>
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### Kelly D. Skon, Secondary Teacher
Laguna Beach Unified School District, Laguna Beach, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Ph.D., Education (anticipated May 2013), Chapman University; Master of Arts, Education, Vanguard University of Southern California; Single Subject: Foundational Math Credential, Vanguard University of Southern California; Bachelor of Science, Mathematics, Chapman University</td>
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### Nadirah Nayo, Secondary District Math Coach
Pasadena Unified School District, Pasadena, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Science, Counselor Education, San Diego State University; Bachelor of Arts, Communications, University of California, San Diego</td>
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**Krista D. Mcatee, Teacher**  
Sonoma Valley Unified School District, Sonoma, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>B/CLAD, Sonoma State University; Bachelor of Arts, Chicano Latino Studies, Sonoma State University</td>
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**Christy Wilkerson, Secondary Lead Teacher - Mathematics**  
Folsom-Cordova Unified School District, Rancho Cordova, California

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<td>Master of Arts, Education: Curriculum and Instruction, California State University, Sacramento; National Board Certified in Adolescence and Young Adulthood Mathematics, National Board for Professional Teaching Standards; Bachelor of Science, Mathematics, California State University, Fullerton</td>
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### Elaine S. Dorlis, Math Teacher
Panama Buena Vista Union School District - Fred L Thompson Junior High, Bakersfield, California

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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Parent</th>
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<td>Multiple Subject/CLAD/Supplemental Math Authorization Teaching Credential, California State University, Bakersfield; Bachelor of Arts, Economics, University of California, Los Angeles</td>
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### Omer K. Hassan, Teacher
Central High School, Los Angeles Unified School District, Los Angeles, California

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<td>Highest Degrees/Certifications:</td>
<td>Master of Science, Petroleum Engineering, University of Southern California; Bachelor of Science, Chemical Engineering, University of Khartoum (Sudan); Administrative Services Credential, California State University, Dominguez Hills; Teaching Professional Clear Credential, California State University, Los Angeles</td>
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**Kathleen M. Hill, Coordinator, Math & Science**  
Kern County Superintendent of Schools, Bakersfield, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Science, School Counseling, University of La Verne; Administrative Services Credential, via exam; Pupil Personnel Services Credential, University of La Verne; Standard Secondary Teaching Credential and Bachelor of Arts, French, California State University, Bakersfield</td>
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**Joseph W. Bakhos, Bill Crocket, Principal**  
Capistrano Connections Academy, Aliso Viejo, California

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<th>Area(s) of Expertise:</th>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Education with CLAD Emphasis, National University; Bachelor of Science, Biology, University of California, Irvine</td>
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**Brenda Call, Math Coach K–12**  
California School for the Deaf, Fremont, California

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<th>Area(s) of Expertise:</th>
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<td>Grade and other Levels of Expertise:</td>
<td>3–5, 6–8, 9–12, Entry level college math</td>
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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Special Education, San Jose State University; Bachelor of Arts, Secondary Education with Mathematics, Gallaudet University; Clear Specialist Instruction Credential in Special Education, San Jose State University; Clear Single Subject Teaching Credential, San Jose State University</td>
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**Barbara J. Woods, Teacher: 6th Grade**  
Galt Joint Union Elementary School District, Galt, California

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<th>Area(s) of Expertise:</th>
<th>Teacher providing instruction to students in kindergarten or grades one to twelve, Gifted &amp; Talented and Special Needs Parent and Educator</th>
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<td>Highest Degrees/Certifications:</td>
<td>Multiple Subject Teaching Credential, California State University, Sacramento; Supplemental Credential, Social Science, California State University, Sacramento; Bachelor of Arts, Social Science, California State University, Sacramento</td>
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**Shirley Guzman, Pre K–12 Mathematics Specialist**  
Los Angeles Unified School District, Los Angeles, California

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<td>Highest Degrees/Certifications:</td>
<td>Master of Education, California State University, Northridge; Administrative Service Credential, California State University, Northridge</td>
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Mary Carol O. Hunt, Teacher  
Etiwanda School District, Etiwanda, California

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<td>Highest Degrees/Certifications:</td>
<td>Master of Arts, Education: Curriculum Development, Azusa Pacific University; Clear Multiple Subject Teaching Credential, Azusa Pacific University; Clear Cross-Cultural Language and Academic Development Certificate, Azusa Pacific University; Bachelor of Arts, Interpreting for the Deaf, California State University, Northridge</td>
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SUBJECT
Update on the Activities of the California Department of Education Regarding Development of the English Language Development Standards for California Public Schools, Kindergarten through Grade Twelve.

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) adopted the Common Core State Standards (CCSS) for English language arts (ELA) in August 2010.

California Education Code Section 60811.3 (a), created by Assembly Bill 124 (Chapter 605 of the Statues of 2011) requires that the State Superintendent of Public Instruction (SSPI), in consultation with the SBE, update, revise, and align the English language development (ELD) standards to the SBE-adopted CCSS for ELA.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE take no specific action at this time.

BRIEF HISTORY OF KEY ISSUES

The SBE adopted the CCSS for ELA in August 2010. These standards became the current subject-matter standards in ELA and mathematics. In October 2011, Governor Edmund G. Brown, Jr. signed SB 124 into law, which requires that the SSPI, in consultation with the SBE, update, revise, and align the ELD standards to the adopted CCSS in ELA. The charge is to develop ELD standards aligned by grade level and comparable to, and as rigorous and specific as the adopted CCSS in ELA.
BRIEF HISTORY OF KEY ISSUES (Cont.)

In meeting these requirements, the SSPI must convene a group of experts in English language instruction, curriculum, and assessment, including individuals who have a minimum of three years of demonstrated experience instructing English learners (ELs) in the classroom at the elementary or secondary level. Also, AB 124 requires two public hearings and puts in place a deadline of August 31, 2012, to present the proposed standards to the SBE (See Attachment 1).

Since the requirements of AB 124 are to adopt new standards in less than one year it was determined that other states' standards, some adopted within the last 2 to 5 years, would serve as a starting point for developing California standards. The CDE has already begun the process by reaching an agreement with WestEd for providing technical assistance in the development of the standards. In addition, CDE met with ELD experts from a variety of county offices of education where they reviewed existing standards in place outside of California, along with the current California ELD Standards. In addition, the CDE has begun the process of convening five focus groups across California. Each focus group will include between 10 and 15 educators, who will be selected to ensure balanced representation of regions, types of schools, and experience. California Education Code Section 44013(a) defines an educator:

“Educator” means a certificated person holding a valid California teaching credential or a valid California services credential issued by the commission who is employed by a local education agency or by a special education local planning area and who is not employed as an independent contractor or consultant.

While focus groups are not required, they will ensure public participation prior to the development of standards. Additionally, the focus groups serve to give value to the educators who have most closely worked in implementing the standards and provide direct instruction and services to ELs (See Attachment 2).

As required by AB 124, the CDE is also working to recruit a panel of experts, as outlined in Section 60811.3. (b)

In meeting the requirements of subdivision (a), the Superintendent, in consultation with the state board, shall convene a group of experts in EL instruction, curriculum and assessment, including individuals who have a minimum of three years demonstrated experience instructing English learners in the classroom and at the elementary or secondary level.

Members of the group include, but are not limited to, individuals who are school site principals, school district or county office of education administrators overseeing programs and support for English learners, personnel of teacher training schools at institutions of higher education, or curriculum and instructional specialists with English learner expertise (See Attachments 3, 4, and 5).
BRIEF HISTORY OF KEY ISSUES (Cont.)

The entire ELD standards development, adoption, and implementation process will be overseen and led by the Director of the English Learner Support Division. In order to accomplish this important work in the required time frame, the CDE agreed to collaborate with the California Comprehensive Assistance Center at WestEd. Specifically, WestEd's California Comprehensive Center, in partnership with the Assessment and Standards Development Services Program at WestEd, is working in concert with CDE to analyze current California ELD standards relative to the new California ELA standards; review information on other states’ and organization's (e.g., Kansas, Arizona, World-Class Instructional Design and Assessment ) ELD standards revision and alignment efforts; analyze statewide public and expert input on revision parameters; draft the proposed ELD standards; and revise them as needed based on stakeholder review and feedback.

This collaborative process between the CDE and WestEd will result in capacity-building for staff from the CDE in cross-departmental communication, coordination and facilitation on key tasks in the ELD standards revision process, and will involve staff from divisions of English Learner Support, Curriculum Frameworks & Instructional Resources, Professional Learning, Assessment Development & Administration, and Analysis, Measurement and Accountability Reporting.

After the draft standards are completed, they will be made available for public comment and posted on the CDE Web site. In addition, two public hearings will be conducted to receive public input on the draft standards. Public input from the survey and hearings will guide further revisions to the draft standards. In short, the SSPI is working to ensure that the proposed standards are aligned to the CCSS for ELA, based on current and confirmed research, and reflect a consensus of teachers, parents, and administrators and other informed community members.

Upon receiving the SSPI-recommended ELD standards by August 31, 2012, the SBE must adopt, revise or reject the standards by September 30, 2012. If the SBE finds a need for modifications to the standards, the timeline for action would need to be extended to November 15, 2012.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

October 2011: Governor Edmund G. Brown, Jr. signed AB 124 (Chapter 605 of the Statues of 2011).

August 2010: Pursuant to Senate Bill X5 1, the SBE adopted the academic content standards in ELA and mathematics as proposed by the California Academic Content Standards Commission.

July 1999: The SBE adopted the ELD standards for California public schools.
FISCAL ANALYSIS (AS APPROPRIATE)

$200,000 Title I local assistance carryover funds for costs incurred by the CDE.

ATTACHMENT(S)

Attachment 1: Timeline for the *English Language Development Standards for California Public Schools, Kindergarten Through Grade Twelve* (1 Page). This attachment is available on the CDE English Language Development Standards Web page at [http://www.cde.ca.gov/sp/el/er/eldstandards.asp](http://www.cde.ca.gov/sp/el/er/eldstandards.asp).

Attachment 2: Recruiting Focus Group Members for the Revision of the *English Language Development Standards for California Public Schools, Kindergarten Through Grade Twelve* (2 Pages). This attachment is available on the CDE English Language Development Standards Web page at [http://www.cde.ca.gov/sp/el/er/eldstandards.asp](http://www.cde.ca.gov/sp/el/er/eldstandards.asp).

Attachment 3: Recruiting Panel of Experts for the Revision of the *English Language Development Standards for California Public Schools, Kindergarten Through Grade Twelve* (2 Pages). This attachment is available on the CDE English Language Development Standards Web page at [http://www.cde.ca.gov/sp/el/er/eldstandards.asp](http://www.cde.ca.gov/sp/el/er/eldstandards.asp).

Attachment 4: California Department of Education 2011–12 Call for Applications, English Language Development Standards Panel of Experts (1 Page). This attachment is available on the CDE English Language Development Standards Web page at [http://www.cde.ca.gov/sp/el/er/eldstandards.asp](http://www.cde.ca.gov/sp/el/er/eldstandards.asp).

Attachment 5: California Department of Education Application for Appointment to English Language Development Standards Panel of Experts (4 Pages). This attachment is available on the CDE English Language Development Standards Web page at [http://www.cde.ca.gov/sp/el/er/eldstandards.asp](http://www.cde.ca.gov/sp/el/er/eldstandards.asp).
# Timeline for the English Language Development Standards for California Public Schools, Kindergarten Through Grade Twelve

<table>
<thead>
<tr>
<th>Event</th>
<th>Schedule</th>
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<tr>
<td><strong>Focus Group recruitment letter and application</strong> distributed to LEAs, English Language Development (ELD) and stakeholder organizations, and institutes of higher education</td>
<td>January 2012</td>
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<tr>
<td><strong>Recruitment of Focus Group members</strong></td>
<td>January 2012</td>
</tr>
<tr>
<td><strong>Superintendent appoints Focus Group members</strong></td>
<td>January to February 2012</td>
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<tr>
<td><strong>Focus Group meetings</strong> in five locations</td>
<td>February 2012</td>
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<tr>
<td>• California Department of Education, Sacramento-February 14, 2012</td>
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<td>• Ventura COE-February 16, 2012</td>
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<tr>
<td>• Alameda COE-February 21, 2012</td>
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<td>• Los Angeles COE-February 22, 2012</td>
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<tr>
<td>• San Diego COE-February 23, 2012</td>
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<tr>
<td><strong>SPI recruits Panel of Experts for English Language Development Standards pursuant to EC 60811(b)</strong></td>
<td>February 2012</td>
</tr>
<tr>
<td><strong>State Board of Education (SBE) information</strong> on focus groups, plan, timeline, and Panel of Experts</td>
<td>March 7-8, 2012</td>
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<tr>
<td><strong>SPI convenes Panel of Experts</strong> in the California Department of Education in Sacramento to develop draft English Language Development Standards</td>
<td>March 2012 to June 2012</td>
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<tr>
<td>• March 19, 2012</td>
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<td>• April 30 and May 1, 2012</td>
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<td>• May 21 and 22, 2012</td>
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<td>• June 21 and 22, 2012</td>
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<tr>
<td>(4 meetings open to the public with dates to be determined) pursuant to EC 60811(b)</td>
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<tr>
<td><strong>State Board of Education (SBE) information</strong> on focus group discussions, timeline, and Panel of Experts</td>
<td>May 2012</td>
</tr>
<tr>
<td><strong>SPI approves</strong> draft English Language Development Standards for 30-day public review period and document is posted on CDE Web site</td>
<td>July 1-31, 2012</td>
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<tr>
<td><strong>SPI holds two public hearings</strong> pursuant to EC 60811(c)</td>
<td>July-August, 2012</td>
</tr>
<tr>
<td><strong>CDE analyzes</strong> public review results and revises draft English Language Development Standards</td>
<td>July-August 2012</td>
</tr>
<tr>
<td><strong>SPI present</strong> English Language Development Standards to SBE</td>
<td>August 31, 2012</td>
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<tr>
<td><strong>SBE action</strong> on recommended English Language Development Standards, includes public hearing, if no modifications.</td>
<td>September 2012</td>
</tr>
<tr>
<td><strong>SBE action</strong> on recommended English Language Development Standards, includes public hearing, if there are modifications.</td>
<td>November 2012</td>
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January 11, 2012

Dear California Educators and Education Stakeholders:

RECRUITING FOCUS GROUP MEMBERS FOR THE REVISION OF THE ENGLISH LANGUAGE DEVELOPMENT STANDARDS FOR CALIFORNIA PUBLIC SCHOOLS, KINDERGARTEN THROUGH GRADE TWELVE

The California Department of Education (CDE) is pleased to announce that it is recruiting members for five focus groups to provide input on the revision of the English Language Development Standards for California Public Schools, Kindergarten Through Grade Twelve. The English Language Development Standards will be revised to align with the Common Core State Standards for English Language Arts, adopted by the California State Board of Education (SBE) in August 2010, and to reflect current research on English language development instruction.

The CDE will convene five focus groups across California. Each focus group will include between 10 and 15 educators, who will be selected to ensure balanced representation of regions, types of schools, and experience. California Education Code Section 44013(a) defines an educator:

“Educator” means a certificated person holding a valid California teaching credential or a valid California services credential issued by the commission who is employed by a local education agency or by a special education local planning area and who is not employed as an independent contractor or consultant.

Interested individuals are encouraged to apply. County and district superintendents and charter school administrators are invited to nominate individuals for appointment to a focus group and distribute the attached application to potential applicants. Please note that there is no stipend for service on a focus group, and no reimbursements for travel costs or substitute replacements can be provided by the CDE.

The focus group meetings will be open to the public, and comments made by both focus group members and members of the public at each meeting will be used by the CDE to inform the standards development project.
Focus group meetings are currently planned for the following dates and locations:

- February 14, 2012  California Department of Education, Sacramento
- February 16, 2012  Ventura County Office of Education, Camarillo
- February 21, 2012  Alameda County Office of Education, Hayward
- February 22, 2012  Los Angeles County Office of Education, Downey
- February 23, 2012  San Diego County Office of Education, San Diego

Each focus group meeting will be held in the late afternoon. A more detailed agenda will be sent to participants and posted on the CDEs English Learner Resources Web page at [http://cde.ca.gov/sp/el/er/index.asp](http://cde.ca.gov/sp/el/er/index.asp) prior to each event.

To apply to be a member of a focus group, please use the online application form. The form can be downloaded from the CDEs English Learner Resources Web page at [http://cde.ca.gov/sp/el/er/index.asp](http://cde.ca.gov/sp/el/er/index.asp). For your convenience, the application form is attached. Applications must be e-mailed to ELDStandards@cde.ca.gov and received no later than 5 p.m. on Tuesday, January 31, 2012.

If you have any questions regarding focus groups, please contact Erin Koepke, Education Programs Consultant, English Learner Support Division, by phone at 916-323-5467 or by e-mail at ekoepke@cde.ca.gov.

Sincerely,

Lupita Cortez Alcalá

LCA:ek
Attachment

cc: Michael Kirst, President, State Board of Education
    Sue Burr, Executive Director, State
February 6, 2012

Dear County and District Superintendents and Charter School Administrators:

RECRUITING PANEL OF EXPERTS FOR THE REVISION OF THE ENGLISH LANGUAGE DEVELOPMENT STANDARDS FOR CALIFORNIA PUBLIC SCHOOLS: KINDERGARTEN THROUGH GRADE TWELVE

The California Department of Education (CDE) is pleased to announce that it is recruiting a panel of experts for the revision of the *English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve*. The *English Language Development Standards* will be revised to align with the Common Core State Standards for English Language Arts, which were adopted by the California State Board of Education (SBE) in August 2010, and to reflect current research on English language development instruction.

The panel shall consist of experts in English language instruction, curriculum, and assessment, including individuals who have a minimum of three years of demonstrated experience instructing English learners (ELs) in the classroom at the elementary or secondary level. The panel shall include, but is not limited to, school site principals, school district or county office of education administrators overseeing programs and support for ELs, personnel of teacher training schools at institutions of higher education, or curriculum and instructional specialists with EL experience. The panel shall consist of members who are appointed by the State Superintendent of Public Instruction, in consultation with the SBE, and is responsible for updating and revising the English language development standards adopted pursuant to California *Education Code (EC)* Section 60811 and aligning those standards with the SBE-approved academic content standards for English language arts adopted pursuant to *EC* Section 60605.8.

Interested individuals are encouraged to apply. Superintendents and charter school administrators are invited to nominate individuals and distribute the attached application to potential applicants. Please note that there is no compensation for service as a panel member, except that members will receive their actual and necessary travel expenses for attending panel meetings and participating in other panel activities.
For more information about the panel and to obtain application information, please visit the CDE English Learner Resources Web page at http://www.cde.ca.gov/sp/el/er/index.asp. For your convenience, the application form is attached. Applications must be e-mailed to ELDStandards@cde.ca.gov and received no later than 5 p.m. on Thursday, March 1, 2012.

If you have any questions regarding this subject, please contact Michele Anberg-Espinosa, Bilingual/Migrant Education Consultant, Language Policy and Leadership Office, by phone at 916-323-4872 or by e-mail at manbergespinosa@cde.ca.gov.

Sincerely,

Tom Torlakson

TT:mae

Attachment 1 - http://www.cde.ca.gov/nr/el/le/documents/yr12ltr0206a1.doc (DOC; 132KB; 1p.)
Attachment 2 - http://www.cde.ca.gov/nr/el/le/documents/yr12ltr0206a2.doc (DOC; 150KB; 3pp.)

cc: Michael Kirst, President, State Board of Education
Sue Burr, Executive Director, State Board of Education
## CALIFORNIA DEPARTMENT OF EDUCATION  
### 2011–2012 CALL FOR APPLICATIONS  

### English Language Development Standards Panel of Experts

The California Department of Education (CDE) English Language Development (ELD) Standards Panel of Experts shall consist of members who are appointed by the State Superintendent of Public Instruction, in consultation with the State Board of Education (SBE). The panel shall consist of experts in English language instruction, curriculum, and assessment, including individuals who have a minimum of three years of demonstrated experience instructing English learners (ELs) in the classroom at the elementary or secondary level. The panel shall include, but is not limited to, school site principals, school district or county office of education administrators overseeing programs and support for ELs, personnel of teacher training schools at institutions of higher education, or curriculum and instructional specialists with EL experience.

### RESPONSIBILITIES
The panel is responsible for updating and revising the ELD standards adopted pursuant to California Education Code (EC) Section 60811 and aligning those standards with the SBE-approved academic content standards for English language arts adopted pursuant to EC Section 60605.8. The ELD standards shall be aligned by grade level and shall be comparable to, and as rigorous and specific as, the academic content standards for English language arts. The revised ELD standards shall be adopted by the SBE no later than November 15, 2012.

### COMMITMENT
The panel will hold one one-day meeting and three two-day meetings in the Sacramento region as follows: March 19, 2012; April 30–May 1, 2012; May 21–22, 2012; and June 21–22, 2012. Additional panel meetings may also be scheduled if needed. All of these meetings require preparation time for panel members.

### COMPENSATION
Members of the panel serve without compensation, except that they receive their actual and necessary travel expenses for attending panel meetings and participating in other panel activities. No funding is provided for substitute teaching or administrative personnel; each applicant employed by a local educational agency must obtain the agency’s acknowledgement of the application and the agency’s agreement to absorb any costs for substitute personnel.

### POSITIONS
15 to 20 appointments will be made.

### TERM OF APPOINTMENT
The individuals appointed to the panel will serve a limited term, commencing in February 2012 and ending no later than November 15, 2012.

### HOW TO APPLY
The application can be found on the CDE English Learner Resources Web page at [http://cde.ca.gov/sp/el/er/index.asp](http://cde.ca.gov/sp/el/er/index.asp).  
Submit an Application for Appointment to the Language Policy and Leadership Office via e-mail or fax to:  
**CALIFORNIA DEPARTMENT OF EDUCATION**  
English Learner Support Division  
Language Policy and Leadership Office  
E-mail: [ELDStandards@cde.ca.gov](mailto:ELDStandards@cde.ca.gov)  
Fax: 916-319-0138

### MORE INFORMATION
More information about the panel can be found on the CDE English Learner Resources Web page at [http://cde.ca.gov/sp/el/er/index.asp](http://cde.ca.gov/sp/el/er/index.asp)

### QUESTIONS
Questions regarding the work of the panel or the panel’s appointment process should be directed to Lupita Cortez Alcalá, Deputy Superintendent, Instruction and Learning Support Branch, by phone at 916-319-0821.

### APPLICATION DEADLINE
Applications must be received by March 1, 2012.  
Late applications may be accepted if positions remain unfilled.
California Department of Education
Application for Appointment to English Language Development Standards Panel of Experts (AB 124) 2011–2012

Phone: 916-319-0845; Fax: 916-319-0138
ELDStandards@cde.ca.gov

(Please complete all items and attach a résumé.)

Name of applicant
First: Middle: Last:
Home mailing address:

Business phone: Home phone:
( ___ ) ( ___ )

Cell Phone: E-mail address:
( ___ )

Current employer (if applicable):

Current position (if applicable):

In completing this application, please present information concisely and in the form requested. Please note that all applications, including letters of recommendation, will be available for public review (except personal contact information).

The panel shall consist of experts in English language instruction, curriculum, and assessment, including individuals who have a minimum of three years of demonstrated experience instructing English learners in the classroom at the elementary or secondary level.
Application for Appointment to English Language Development Standards Panel of Experts
Page 2

What are your relevant areas of expertise or specialization?


Why do you wish to serve on the panel? (You may attach one additional page if needed.)


Relevant employment experience (Please list most recent first.)

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<th>Position</th>
<th>Organization or Agency</th>
<th>Dates</th>
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Educational background (Please list most recent first.)

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<th>Institution or Program</th>
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Professional licenses and certificates


Awards, honors, or citations received


Professional affiliations


Letters of recommendation: Please enclose (or have sent to the California Department of Education Language Policy and Leadership Office) two letters of recommendation. One of the letters must come from your employer (if applicable); the other should come from someone (not related to you) who knows you well and is able to comment on your qualifications for the position you seek.

If you are employed by a local educational agency, the employer letter must come from the agency's chief administrative officer (typically the superintendent or a designee) and must (1) recognize the additional workload you would experience if appointed and (2) acknowledge that the State will not provide reimbursement for the cost of any substitute personnel that may be needed either because of an interview (to which you may have been invited in connection with the selection process) or, if appointed, because of your service on the panel. All required application materials, including letters of recommendation, must be received (not postmarked) by 5 p.m. on the designated deadline date and time, or they will not be considered.

References: Please list three people who may be contacted regarding your work and experience in relation to the appointment you seek. Individuals who have written letters of recommendation may be listed as references.

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<tr>
<th>Name</th>
<th>Position or Title</th>
<th>Address</th>
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Time commitment: Would you be able to contribute the time to attend the panel meetings and perform the duties of the position?

Yes ___ No ___
Application for Appointment to English Language Development Standards Panel of Experts
Page 4

Conflict of interest: Please review the State Board of Education (SBE) Conflict of Interest Code, which is codified in the California Code of Regulations, Title 5, Section 18600. Members of those advisory bodies identified in this code are subject to its provisions and are required to annually file a Statement of Economic Interest/Form 700. A copy of the code can be found on the SBE Conflict of Interest Code Web page at http://www.cde.ca.gov/be/cc/ab/documents/conflictofinterestcode.doc (DOC; 28KB; 2pp.).

Do you understand that you will be subject to the SBEs Conflict of Interest Code?

Yes ___ No ___

The following information is optional but would be helpful to ensure that the panel has balanced representation. (Government Code sections 11140–11141).

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<td>Asian</td>
<td>Hispanic</td>
<td>White</td>
<td>Female</td>
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<tr>
<td>African American</td>
<td>Native American</td>
<td>Other (specify)</td>
<td>Male</td>
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<tr>
<td>Filipino</td>
<td>Pacific Islander</td>
<td>Decline to state</td>
<td>Decline to state</td>
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➢ Signature of applicant ➢ Date

Please submit completed application via e-mail or by fax to:

California Department of Education
English Learner Support Division
Language Policy and Leadership Office
E-mail: ELDStandards@cde.ca.gov
Fax: 916-319-0138
ELEMENTARY AND SECONDARY EDUCATION ACT: DISCUSSION AND RECOMMENDATION TO WAIVE SELECTED PROVISIONS OF THE ELEMENTARY AND SECONDARY EDUCATION ACT PURSUANT TO SECTION 9401.

SUMMARY OF THE ISSUE(S)

This item provides an overview of and recommendation to apply for a Fiscal Year 2012–13 waiver of selected provisions of the Elementary and Secondary Education Act (ESEA). Pursuant to Section 9401 of the ESEA, U.S. Secretary of Education Arne Duncan may waive statutory or regulatory requirements for a State Educational Agency (SEA) that receives funds under the ESEA. See the Federal Register April 8, 2008, Web document located on the ED Web site at http://www2.ed.gov/legislation/FedRegister/other/2008-2/040808a.html (Outside Source).

Application for an ESEA Section 9401 waiver, as proposed here, will allow California to provide schools and local educational agencies (LEAs) relief from identification for Program Improvement (PI) and relief from required reservations for Title I supplemental educational services (SES), choice transportation (Choice), and Title I PI professional development. The actions in this waiver, hereafter, referred to as the state-defined waiver, will not change the current definitions of annual measurable objectives (AMOs) for determining adequate yearly progress (AYP) as documented in the U.S. Department of Education (ED)-approved California Accountability Workbook available on the California Department of Education (CDE) AYP Web page at http://www.cde.ca.gov/ta/ac/ay/.

RECOMMENDATION

The CDE recommends that the State Board of Education (SBE) seek a state-defined waiver from the ED of the following ESEA provisions: sections 1116(b) and (c) with the exception of sections 1116(b)(13), 1116(c)(1), 1116(c)(2), and 1116(c)(4). The provisions for which a waiver is sought mandate the identification of schools and LEAs for improvement and outline a set of LEA and school sanctions, including mandated set-aside expenditures for SES, choice transportation and Title I professional development. A draft SEA state-defined Waiver Request for the period July 1, 2012, through June 30, 2014, is provided as Attachment 1.
BRIEF HISTORY OF KEY ISSUES

The proposed request for a state-defined waiver under Section 9401 of the ESEA provides California with short term, immediate relief, beginning with the 2012–13 school year. At the same time, it allows the state to continue to explore the long term reform goals embedded in Secretary Duncan’s ESEA Waiver Package announced in September 2011 and updated February 10, 2012. The ESEA Waiver Package is described in an ESEA Flexibility Request document located on the ED ESEA Flexibility Web page at http://www.ed.gov/esea/flexibility (Outside Source).

Over the past five months, the California SEA and its constituent organizations and stakeholders have explored potential benefits and consequences of seeking a waiver under the conditions of Secretary Duncan’s ESEA Waiver Package. California has demonstrated commitment to the conditions attached to the ESEA Waiver Package, including Common Core State Standards, SMARTER Balanced Assessment Consortium work, and an alternative to the bifurcated state and federal student accountability system. However, a cost-benefit analysis of implementation of the requirements in the September 23, 2011, ESEA Waiver Package reveals significant challenges for the state. Among these are necessary legislation to implement selected principles and potential state-mandated local costs for non-Title I activities required by the ESEA Waiver Package. Furthermore, submission of a waiver request to meet Secretary Duncan’s Waiver Package conditions would not provide LEAs relief from ESEA Improvement requirements until the 2013–14 school year.

A Status Report on Implementation of Required Elements of the Federal ESEA Waiver Package is provided as Attachment 2. It reflects current progress on reform activities but recognizes that the requirements and significant costs of implementing the ED Waiver Package cannot be supported on the published ESEA Waiver timeline or in the current California fiscal environment. Furthermore, in a February 1, 2012, e-mail, the ED clarified that:

   ESEA flexibility does not authorize an SEA or LEA to use Title I funds for statewide or district-wide activities that are not otherwise allowable under the statute. Accordingly, Title I funds may not be used, for example, to pay for general common core instructional materials or teacher and principal evaluation costs that are not limited to operation of the Title I program.

Section 9401 of the ESEA allows the Secretary to waive any statutory or regulatory requirements of the ESEA in order to:

   (i) increase the quality of instruction and (ii) improve the academic achievement of students.

This authority underlies both the Secretary’s ESEA Waiver Package and the state-defined waiver request included here for discussion. California is not currently prepared to meet the set of conditions and fiscal and programmatic requirements proposed by the Secretary in exchange for waiver of ESEA provisions. However, approval of a state-defined waiver specific to California’s needs, if granted, will allow the California SEA to
BRIEF HISTORY OF KEY ISSUES (Cont.)

honor its commitment to seek relief for LEAs while still pursuing the principles upon which the Secretary’s waiver package is conditioned. As required in 20 USC 7861, Section 9401 (b)(1), a waiver request must:

- Identify specific, measurable educational goals, in accordance with Section 1111(b), for the SEA and for each LEA that would be affected by the waiver and the methods to be used to measure annually such progress for meeting such goals and outcomes.

- Explain how the waiver will assist the SEA and each affected LEA in reaching these goals.

- Describe how schools will continue to provide assistance to the same populations served by programs for which waivers are requested.

In Attachment 1 of this item, the CDE proposes that the SEA meet these requirements by:

- Maintaining current accountability commitments, including definitions of AMOs for determining AYP as required by Section 1111(b)(2)(E)-(H) of the ESEA and further defined in the ED-approved California Accountability Workbook available on the CDE AYP Web page at http://www.cde.ca.gov/ta/ac/ay/.

- Maintaining implementation of sections 1116(b) (13), 1116(c) (1), 1116(c) (2), and 1116(c) (4) of the ESEA. Doing so will continue to further the goals and outcomes of the ESEA. Specifically:
  
  - Section 1116(b)(13) of the ESEA permits a child who transferred to another school, as a result of the child’s home school being identified for improvement, to remain in that school until the child has completed the highest grade in that school. With a waiver of the provisions of Section 1116(b) of the ESEA, the LEA’s obligation to provide transportation for that child extends only to the end of the current school year; however, the student could choose to remain at that school, if he/she so desired, until the child has completed the highest grade in that school.

  - Section 1116(c)(1) of the ESEA allows the SEA to annually review the LEAs’ progress toward AYP and ensure LEAs continue to implement ESEA sections 1117 (School Support and Recognition), 1118 (Parental Involvement), and 1119 (Qualifications for Teachers and Paraprofessionals), and requires the SEA to continue to publicize and disseminate disaggregated results to the LEAs, parents/guardians, staff, students and the community.
BRIEF HISTORY OF KEY ISSUES (Cont.)

- Section 1116(c)(2) of the ESEA allows the SEA to continue to reward LEAs that exceed AYP progress as defined in the state plan.

- Section 1116(c)(4) of the ESEA allows the SEA to choose to review the progress of only the students in such schools who are served, or are eligible for services, in Targeted Assistance Schools (TAS) if it so desires.

If granted the state-defined waiver request, California schools, LEAs, and the SEA will be relieved of improvement sanctions, including current federal obligations to label schools and LEAs for improvement; and schools and LEAs will be allowed to redirect set-aside improvement funds reserved for SES, Choice, transportation, and Title I professional development to other permissible Title I, Part A activities. LEAs will reallocate these funds within a locally revised LEA Plan which will be monitored and supported by current SEA approaches to strengthen teaching and learning. The state-defined waiver request is provided as Attachment 1.

At the same time, the California SEA may continue to explore alignment between current California reform initiatives and the educational reform principles embedded in the ESEA Waiver Package in anticipation of the reauthorization of the ESEA. California’s current status with regards to the required elements of the ESEA Waiver Package is summarized in Attachment 2. The state’s ongoing reform work may be informed by feedback provided by ED to the 11 states submitting ESEA Waiver applications in November, 2011. Copies of the ED’s Requested Improvements, Peer Panel Notes, and Letters Regarding Peer Review for the 11 states are available on the ED Web site at http://www.ed.gov/esea/flexibility/requests (Outside Source).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its January 2012 meeting, the SBE reviewed a timeline and potential state operations costs to prepare a federal waiver application of selected provisions of the ESEA, pursuant to the requirements stated in the ESEA Flexibility Request Web document located on the ED Web site at http://www.ed.gov/sites/default/files/esea-flexibility-request-acc_0.doc (Outside Source) in exchange for implementation of a new system of curriculum, assessment, accountability, and educator evaluation. The SBE also heard from, and posed questions to, Michael Yudin, Acting Assistant Secretary for Elementary and Secondary Education, ED, regarding the ED Waiver Package.

At its November 2011 meeting, the SBE reviewed the federal requirements for the California SEA, on its own behalf and on behalf of all of its LEAs, to apply for a waiver of 10 provisions of the ESEA described in the September 2011 ESEA Waiver Package. The item also included estimates of the costs of implementing requirements associated with an approved waiver. See SBE November 2011 Item 5, available on the SBE Meeting for November 2011 Web page at http://www.cde.ca.gov/be/ag/ag/main201111.asp.
FISCAL ANALYSIS

The fiscal impact of the state-defined waiver proposed in this SBE item is based upon the current amount LEAs receiving Title I funds set-aside to provide SES, Choice, and Title I specific professional development in any LEA with schools in PI. If the state-defined waiver is granted, these funds may potentially be redirected to other Title I activities. California LEAs’ total reservation for professional development during the 2010–11 school year was $145,725,054, and the actual amount expended for SES and school choice transportation was $207,950,520. If the ED grants the state-defined waiver request, an equivalent amount of funds will be available to LEAs to reallocate for Title I purposes.

ATTACHMENT(S)

Attachment 1: DRAFT April 6, 2012, Letter from Tom Torlakson, State Superintendent of Public Instruction, California Department of Education, and Michael W. Kirst, President, State Board of Education, to Michael Yudin, Acting Assistant Secretary, Office of Elementary and Secondary Education, U.S. Department of Education, Regarding Waiver of Provisions of Sections 1116(b) and (c) of the Elementary and Secondary Education Act, Pursuant to Section 9401 of the Elementary and Secondary Education Act (6 Pages)

Attachment 2: Status Report on Implementation of Required Elements of the Federal ESEA Waiver Package (15 Pages)
Michael Yudin, Acting Assistant Secretary  
Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Acting Assistant Secretary Yudin:

Subject: Waiver of Provisions of Section 1116(b) and (c) of the Elementary and Secondary Education Act, Pursuant to Section 9401 of the Elementary and Secondary Education Act.

The California Department of Education (CDE) and the State Board of Education (SBE), on behalf of all local educational agencies (LEAs) in California that receive funds under Title I, Part A of the Elementary and Secondary Education Act (ESEA), are requesting a waiver of the provisions of sections 1116(b) and (c) of the ESEA. Specifically, we are seeking this state-defined waiver to exempt LEAs within California from Title I, Part A sections 1116(b) and (c) with the exception of the following subsections: 1116(b)(13); 1116(c)(1); 1116(c)(2) and 1116(c)(4). We are requesting this waiver for the 2012–13 and 2013–14 academic years.

These provisions identify schools and LEAs for improvement and require the LEAs and schools to implement sanctions and set-aside funds for specified activities. If the state-defined waiver is granted, schools and LEAs will no longer be identified for improvement and will no longer be subject to improvement sanctions, including the requirement to reserve funds for professional development, Supplemental Education Services (SES) or choice-related transportation (Choice). These funds will then be available for other Title I appropriate activities.

California’s State Board of Education and Superintendent of Public Instruction have given careful consideration to the waiver package offered by your administration last fall. While we appreciate Secretary Duncan’s efforts to provide states with relief from No Child Left Behind, we have grave concerns about the fiscal and legal commitments that the waiver package will require of our state. As we conveyed to you at our January meeting, California state law and our current fiscal condition make it virtually impossible to implement all of the waiver requirements in every district and school in the state.
With this state-defined request, we are seeking to uphold the principles of accountability and excellence in our schools, while providing districts with the flexibility they need to use Title I resources effectively and improve the academic achievement of students. Under the state-defined waiver we are requesting, LEAs will define in their LEA plans how they are using their Title I Part A reservation funds to meet the particular needs of their students. The needs of each LEA’s students will be determined by a comprehensive needs assessment and could include such activities as analysis of student work, tiered student intervention, peer teacher observations, instructional coaching, horizontal and vertical teacher collaboration on the Common Core Standards and data analysis to monitor student outcomes.

California has set annual measurable objectives (AMOs) in reading and mathematics for the 2012–13 and 2013–14 school years and will determine adequate yearly progress (AYP) based on assessments administered in the 2012–13 and 2013–14 school years in accordance with the requirements of Section 1111(b)(2) of the ESEA and the Public Schools Accountability Act. See Enclosure 1. California will also continue to work collaboratively with all stakeholders, including the Legislature, to develop our next generation of school accountability systems to evaluate schools more appropriately and effectively. California believes that, ultimately, the requested state-defined waiver will help more schools and LEAs within the state make greater academic gains by enabling them to re-direct funds made available by this waiver to help their students meet the AMOs set forth in Enclosure 1. Under the current system, LEAs and schools continue to be obligated to direct resources to activities that may not align with their local needs assessments. Capacity is currently stretched to the limit as we try to meet the needs of increasing numbers of schools and LEAs identified for improvement. By allowing LEAs to conduct a comprehensive needs assessment and design strategies, programs, and services to best help their students meet the AMOs, California will increase its capacity to provide high quality research-based assistance to the same populations served by the programs for which the waiver is requested.

California will implement the state-defined waiver to ensure that an LEA:

- Re-directs funds made available by the waiver to address needs identified based on student achievement data, such as statewide or formative assessment results;
- Complies with other Title I, Part A statutory and regulatory obligations, including the obligations in sections 1114 and 1115 of the ESEA that school-wide and targeted assistance programs “use effective methods and instructional strategies that are grounded in scientifically based research;” and
- Amends its existing LEA plan to describe the data on which it relied to identify needs that will be addressed using the funds made available by the waiver and evidence that supports the strategies it intends to use to address those needs.

The SBE and CDE believe that exempting specific provisions of Section 1116(b) and (c) from the state-defined waiver request is warranted to further the goals and outcomes of the ESEA. In exempting the following sections from the waiver request, the SEA and LEAs must continue to comply with the following sections:
Section 1116(b)(13) of the ESEA permits a child who transferred to another school, as a result of the child's home school being identified for improvement, to remain in that school until the child has completed the highest grade in that school. However, with a waiver of the provisions of Section 1116(b) of the ESEA, the LEA's obligation to provide transportation for that child extends only to the end of the current school year although the student could choose to remain at that school, if he/she so desired, until the child has completed the highest grade in that school.

Section 1116(c)(1) of the ESEA allows the SEA to annually review the LEAs' progress toward AYP and ensure LEAs continue to implement sections 1117 (School Support and Recognition), 1118 (Parental Involvement), and 1119 (Qualifications for Teachers and Paraprofessionals) of the ESEA and requires the SEA to continue to publicize and disseminate to the LEAs, parents/guardians, staff, students and the community disaggregated results.

Section 1116(c)(2) of the ESEA allows the SEA to continue to reward LEAs that exceed AYP progress as defined in the state plan.

Section 1116(c)(4) of the ESEA allows the SEA to choose to review the progress of only the students in such schools who are served, or are eligible for services in Targeted Assistance Schools (TAS), if it so desires.

Prior to submitting this waiver request, California will provide all LEAs in the State with notice and a reasonable opportunity to comment on this request. The specific notice posting on the California Department of Education Web site located at http://www.cde.ca.gov/ is provided in Enclosure 2. Copies of all comments that California received from LEAs in response to this notice are attached hereto. California has provided notice and information regarding this state-defined waiver request to the public in the manner in which California customarily provides such notice and information to the public.

If you have questions regarding this request, please contact Deborah V.H. Sigman, Deputy Superintendent, District, School, and Innovation Branch, by phone at 916-319-0812 or by e-mail at dsigman@cde.ca.gov.

We are hopeful that Secretary Duncan will acknowledge the unique circumstances in states across the nation and consider a variety of approaches to seeking relief from NCLB, including state-defined waivers such as this one and waivers for individual LEAs or schools through LEAs that apply directly to the U.S. Department of Education.

Sincerely,

Tom Torlakson
State Superintendent of Public Instruction
California Department of Education

Michael W. Kirst
President
California State Board of Education

TT/MK:fl
Enclosures
### Standard Criteria for Annual Measurable Objectives (AMOs) for 2012–13 Adequate Yearly Progress (AYP)

<table>
<thead>
<tr>
<th>Standard Schools and Local Educational Agencies (LEAs)</th>
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<tbody>
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<td><strong>Mathematics</strong></td>
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<td><strong>2012–13</strong></td>
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<td><strong>89.2</strong></td>
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<td>• Elementary and Middle Schools</td>
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<td><strong>88.7</strong></td>
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<td>• Unified School Districts • High School Districts • County Offices of Education (with grade levels 2–8 and 9–12) • Elementary School Districts</td>
<td><strong>89.0</strong></td>
<td><strong>89.1</strong></td>
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These criteria apply to schools or LEAs that have at least 100 students with valid scores or to numerically significant subgroups that have at least 50 students with valid scores. Different criteria are applied to small schools, LEAs, or subgroups in AYP calculations. Small schools and LEAs with fewer than 100 valid scores have adjusted AMOs to account for the small number of test scores—the AMOs are adjusted using a confidence interval methodology. Small subgroups are those with between 50 to 99 valid scores. AMO criteria for small subgroups are the same as the targets listed above but are only applied if the school or LEA has at least 100 valid scores. Subgroups with fewer than 50 valid scores have no AMO criteria.
Standard Criteria for Annual Measurable Objectives (AMOs) for 2013–14 Adequate Yearly Progress (AYP)

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NOTICE OF REQUEST TO WAIVE SECTION 1116(b) AND (c) OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

Request for comment on California requesting the U.S. Department of Education to waive subsection 1116(b) and (c) of the Elementary and Secondary Education Act (ESEA) for the 2012–13 and 2013–14 academic years.

Notice is hereby given that California will request the U.S. Department of Education (ED) to waive the ESEA subsection 1116(b) and (c) with the exceptions of 1116(b)(13); 1116(c)(1); and 1116(c)(2) and 1116(c)(4). ESEA subsection 1116(b) and (c) mandate identification of improvement for schools and local educational agencies (LEAs) that do not meet the Adequate Yearly Progress (AYP) criteria for two consecutive years and require specific sanctions of the identified schools and LEAs while they are identified for improvement, corrective actions, or restructuring. The specific sanctions include professional development, school-choice transportation, and supplemental educational services.

The purpose of this public notice is to notify you of the opportunity to submit written comment on the request to the ED to waive both the mandate for identification of improvement and the subsequent required sanctions including professional development, school-choice transportation and supplemental educational services.

All comments regarding the request for waiver must be submitted to Jeff Breshears, Administrator I, Title I Policy and Program Guidance Office, by e-mail at TitleI@cde.ca.gov by noon on Thursday, March 23, 2012.

The waiver request can be reviewed on the SBE Public Notices Web page at http://www.cde.ca.gov/be/pn/pn/.
# Status Report on Implementation of Required Elements of the Federal ESEA Waiver Package

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<td><strong>1.B</strong> Transition to and implement CCR standards no later than the 2013–14 school year.</td>
<td>See CCSS Implementation Plan.</td>
<td>CDE developing implementation plan with local educational agency (LEA) input on LEA implementation priorities.</td>
<td>CCSS transition plan must ensure that English learners (ELs), students with disabilities and low-achieving students gain access to and learn content aligned with the CCSS standards.</td>
<td>CCSS transition plan will need to be funded and accelerated to implement no later than 2013–14, ensuring that English learners, students with disabilities and low-achieving students gain access to and learn content aligned with the standards. LEAs may need $2000 per teacher for 80 hours of professional development on CCSS at a potential cost of $1.2 million.</td>
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<td>Prepare Title I Supplemental Materials to Achieve CCSS Alignment (“bridge” materials).</td>
<td>Senate Bill 140 enrolled 10/8/11.</td>
<td>In development: review of materials is scheduled for fall 2012; materials will be available in 2013.</td>
<td>Plan to train all teachers to transition to CCSS curriculum.</td>
<td>$237 million: Resources not available to provide CCSS transition materials for all teachers.</td>
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<td>CCSS ELA/English Language Development (ELD) Framework and Instructional Materials.</td>
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<td>Assembly Bill 250 states that ELD standards are included in new ELA/ELD framework and instructional materials.</td>
<td>2012: SBE appoints CFCC. 2013–14: CDE sponsors two 60-day public reviews of Framework. 2014: SBE adopts Framework. 2018: English language arts adoptions in classrooms.</td>
<td>Amend EC Section 60200.7 and EC Section 60200 (i) to allow the SBE to adopt ELA Anchor Standards.</td>
<td>Legislation and funding to accelerate the adoption of new ELA instructional materials; estimated $775 million needed to provide 6.2 million students with instructional materials worth an estimated $125 per student.</td>
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<td>Create Common Core Professional Learning Modules.</td>
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<td>Assembly Bill 250 enrolled 10/8/11.</td>
<td>The CDE has begun a process to develop a professional development training system to support teachers and administrators in delivering curriculum and instruction aligned to the state’s common core academic content standards, but no modules have been developed. Ten modules are on target for completion by September 2013.</td>
<td>Not clear that modules will be able to address learning needs of ELs, students with disabilities, and low-achieving students by fall of 2013.</td>
<td>None needed. Modules will appear online. Local assistance resources may be needed to support local professional development.</td>
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<tr>
<td>Adopt English language proficiency (ELP) standards that correspond to the state’s college and career ready standards no later than 2013–14.</td>
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<td>Senate Bill 140 enrolled 10/8/11.</td>
<td>State Superintendent of Public Instruction convenes panel of experts April-June, 2012; 30-day review of draft (July); 2 public hearings (July/Aug); ELD draft standards presented to SBE August 31; SBE action in September or November 2012.</td>
<td>Review Guidance anticipates that EL access to ELP standards and CCSS will be on the same schedule as for all students.</td>
<td>Revenues needed for development of standards and associated professional development. Amounts include: $200,000 (development), $1,200,000 (adoption), $200,000 (professional development modules), and $100,000 for CDE Press editing and publications of new standards.</td>
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Develop and administer English language proficiency assessments consistent with the requirements in sections 1111, 3113, and 3122 of the ESEA.

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<td>Federal and state law require LEAs to administer an assessment to students in kindergarten and grades one through twelve (K–12) whose primary language is not English to identify students with limited English proficiency, determine the level of English proficiency of those students and assess the progress of these students in acquiring skills in listening, speaking, reading, and writing in English.</td>
<td>Activities Completed or Underway</td>
<td>Title III of ESEA and EC sections 313 and 60810 through 60812 define CELDT testing requirements.</td>
<td>Continue current assessment activities until standards are adopted as described above. Then, begin the process of aligning the California English Language Development Test (CELDT) to the new ELP standards.</td>
<td>Necessary assessment activities include: (1) Develop test blueprints; (2) Analyze items and structure of the CELDT to ensure alignment to new ELP standards; (3) Develop new items based on the new ELD standards; (4) Conduct content, bias and sensitivity reviews; and (5) Pilot test and field test new items within the annual administration.</td>
<td>Revenues will be needed to support ELP assessments to measure ELP standards and ensure that EL students are assessed on ELP standards and CCSS no later than 2014–15.</td>
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<td>1.C Develop and administer annual, statewide, aligned, high-quality assessments that measure student growth and are aligned to CCR standards in reading/language arts and mathematics no later than the 2014–15 school year, including assessments for students with significant cognitive disabilities.</td>
<td>Option C being selected. Assessments being developed as part of California’s work in the SMARTER Balanced Assessment Consortium.</td>
<td>Assembly Bill 250 enrolled 10/8/2011.</td>
<td>2012–13: Item writing and review activities completed (summative and interim). 2013: Pilot testing of assessments conducted.</td>
<td>2013–14: Field testing of summative assessments administered. 2014: Preliminary summative standards proposed and other policy definitions adopted. 2015: Final summative achievement standards verified and operational summative assessments administered.</td>
<td>Smarter Balanced Assessment costs will be offset by revisions in the Standardized Testing and Reporting (STAR) Contract, although an increased testing cost of $5 million is anticipated for computer-based assessment. Legislation may potentially be needed.</td>
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<td>Annually report to the public on college-going and college credit accumulation rates for all students and subgroups of students in each LEA and each public high school in the state.</td>
<td>College-going and college credit accumulation rates to be posted annually.</td>
<td>California Postsecondary Education Commission (CPEC) assisted with initial process. Because CPEC was eliminated, the CDE has submitted a Budget Change Proposal to support this activity for the next three years ($134,000 annually).</td>
<td>Data initially posted in September 2011 to meet federal deadline.</td>
<td>State Educational Agency (SEA) provides assurance that it will annually report the required data to the public.</td>
<td>To be determined.</td>
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<td><strong>2.A</strong> Develop and implement a state-based system of differentiated recognition, accountability, and support no later than 2012–13.</td>
<td>Convene stakeholders and technical design group to provide input on proposed system.</td>
<td>Legislation needed to change current EC to eliminate language defining current system; new legislation to define new system.</td>
<td>Work not yet begun on differentiated recognition, accountability, and support system.</td>
<td>Develop and adopt differentiated recognition, accountability, and support system.</td>
<td>State’s estimated development cost using current system growth model is $3.5 million with an annual cost of $250,000 to print and distribute teacher reports on growth. Anticipate annual cost to integrate graduation rates, develop and print individual teacher reports. Will require legislation and SBE actions.</td>
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<tr>
<td><strong>2.B</strong> Set ambitious but achievable annual measurable objectives (AMOs).</td>
<td>Current accountability system defined in Accountability Workbook Web document at <a href="http://www.cde.ca.gov/t/a/ac/ay/documents/workbook030711.doc">http://www.cde.ca.gov/t/a/ac/ay/documents/workbook030711.doc</a>.</td>
<td>Work not yet begun on new differentiated recognition, accountability, and support system.</td>
<td>Request includes proposed new AMOs and justification; initial implementation with 2011–12 assessment results. SEA develops growth model to enable measurement of individual student progress over time.</td>
<td>Legislation needed to amend EC Article 2 Section 52051 and following on Public School Performance Accountability Program if state elects to align the two accountability systems. However, we can keep both systems and apply for the waiver, if so desired.</td>
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<td>2.C Annually identify and recognize or reward highest performing and high progress Title I schools.</td>
<td>Currently identify schools under the Title I Academic Achieving Schools Program.</td>
<td>See 2.A.</td>
<td>Work not yet begun on differentiated recognition, accountability, and support system.</td>
<td>High performing and high progress schools will be included in the accountability and support system and may include recognition by senior state officials, press releases to local media outlets and/or access to special professional development opportunities.</td>
<td>Potentially minimal cost of rewards; funding source to be identified if financial rewards are included.</td>
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<td>2.D Implement school interventions consistent with School Improvement turnaround principles in priority schools.</td>
<td>See 2.A.</td>
<td>See 2.A.</td>
<td>Work not yet begun on differentiated recognition, accountability, and support system.</td>
<td>Request includes proposed new AMOs and justification; initial implementation with 2011–12 assessment results. SEA develops growth model to enable measurement of individual student progress over time.</td>
<td>Legislation may be needed to define specific interventions and delivery support system. However, schools can be identified without new legislation.</td>
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<td><strong>2.E</strong> Implement interventions in focus schools.</td>
<td>See 2.A.</td>
<td>See 2.A.</td>
<td>Work not yet begun on differentiated recognition, accountability, and support system.</td>
<td>SEA makes public its list of priority schools in 2011–12 and implements interventions. Five percent of the lowest performing schools identified; LEAs implement interventions aligned with turnaround principles in each of these schools for a minimum of three years.</td>
<td>Legislation may be needed to define specific interventions and delivery support system. However, schools can be identified without new legislation.</td>
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<td><strong>2.F</strong> Provide Incentives and Support for Other Title I Schools.</td>
<td>See 2.A.</td>
<td>See 2.A.</td>
<td>Work not yet begun on differentiated recognition, accountability, and support system.</td>
<td>Request includes SEA process to provide incentives and supports for other Title I schools.</td>
<td>EC Article 3 defining underperforming schools and interventions in Program Improvement (PI) schools and districts may need to be amended. However, we can work with the system we have now, although LEAs and support providers may need direction on priority for receiving support absent PI.</td>
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<td>2.G Build SEA, LEA, and School Capacity to Improve Student Learning.</td>
<td>The Statewide System of School Support, codified in both federal and state law, includes the CDE, California Comprehensive Centers, and a Consortium of County Offices of Education organized in eleven regions as a Regional System of District and School Support. Service priority is given to districts with advancing PI schools, other PI schools, and Title I schools in priority order.</td>
<td>CDE and County Offices of Education leadership (Curriculum and Instruction Steering Committee [CISC]) refining definition of foundational work of current Regional System of District and School Support. SEA Plan to develop CCSS professional development modules underway.</td>
<td>SEA needs to define a process for building SEA, LEA and school capacity to improve student achievement through monitoring and technical assistance, holding LEAs accountable for improving student performance and ensuring sufficient support for implementation of interventions in priority schools, focus schools and other identified schools.</td>
<td>EC Section 52059 to be amended to redefine the role of the statewide system of school support, identifying funding for entities to be funded under this section. Legislation may potentially be needed and will likely also require SBE action.</td>
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<td>Report to the public lists of reward schools, priority schools, and focus schools at the same time the SEA is approved to implement the flexibility and annually thereafter, it will publicly recognize its reward schools.</td>
<td>See 2.A.</td>
<td>Work not yet begun on reporting mechanisms for differentiated school status.</td>
<td>Depending on the differentiated accountability system model adopted in a potential waiver, current data may be used for this activity.</td>
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<td><strong>3.A</strong> Develop and adopt guidelines for local teacher and principal evaluation and support systems.</td>
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<td>Assembly Bill 5 (Fuentes) proposed in 2011 would repeal current law and require each LEA to implement a fair, transparent and rigorous evaluation system based on a uniform standard for certified employees, including the implementation of an instructional support system.</td>
<td>Work on educator evaluation and support system legislation to be pursued in 2012–13.</td>
<td>Develop principles for a teacher and principal evaluation system that includes information about student achievement and growth by the end of the 2011–12 school year. LEAs pilot implementation of evaluation and support system in 2013–14.</td>
<td>Legislation, SBE policy, and funding needed to implement new certificated employee evaluation system meeting state guidelines.</td>
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<td>Activities Completed or Underway</td>
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<td><strong>3.B</strong> Ensure LEAs implement teacher and principal evaluation and support systems.</td>
<td></td>
<td>Stull Act (Assembly Bill 293 [Stull/1971]) requires that each LEA establish its own objective system of evaluation for the annual appraisal of probationary and biennial appraisal of all other teachers.</td>
<td>Work on educator evaluation and support system to be continued legislatively in 2012–13.</td>
<td>Request includes a plan to develop guidelines for evaluation and support system, process for ensuring LEA implementation and assurance that SEA has provided student growth data to teachers or will do so by the deadline required under the State Fiscal Stabilization Fund (SFSF).</td>
<td>Legislation, SBE policy and funding needed to ensure implementation of new certificated employee evaluation system meeting state guidelines.</td>
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<td>Provide student growth data on current students and students taught in the previous year to teachers of reading/language arts and mathematics in grades in which the state administers assessments in those subjects in a manner that is timely and informs instructional programs, or will do so no later than the deadline required under the SFSF.</td>
<td>SEA not currently providing growth data for ELA and math.</td>
<td>Assembly Bill 1130 (Solorio/2009) requires the use of cohort growth measures in accountability systems and intervention determinations.</td>
<td>Pending legislation and/or further policy decisions.</td>
<td>SEA provides student growth data to teachers.</td>
<td>If the student growth measure is to be used for the state accountability system as well as the federal system, additional legislation for its use is needed, as well as funding for training of LEAs in use of system.</td>
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<td>Evaluate and revise administrative requirements to reduce duplication and unnecessary burden on LEAs and schools.</td>
<td>Promote good data management practices to minimize reporting burden. Develop a statewide longitudinal pupil data system to provide school districts and the State Department of Education access to data necessary to comply with federal reporting requirements.</td>
<td>Assembly Bill 110 (2005) and Senate Bill 1453 (2001).</td>
<td>Established formal data management division, policies, and practices. Developed CDE Data Resource Guide Search Web page at <a href="http://inet2.cde.ca.gov/Dataresourceguide/">http://inet2.cde.ca.gov/Dataresourceguide/</a>. Developed the California Longitudinal Pupil Achievement Data System (CALPADS) which provides a central, authoritative, flexible system for meeting state and federal data requirements. See CDE CALPADS Web page at <a href="http://www.cde.ca.gov/ds/sp/cl/">http://www.cde.ca.gov/ds/sp/cl/</a>. Through use of CALPADS, eliminated some duplicative data collections which also increased data quality.</td>
<td>SEA assures it will review and evaluate state level administrative requirements and adjust appropriately in order to reduce duplication and unnecessary burden on LEAs and schools.</td>
<td>To be determined.</td>
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<td>Waiver of poverty threshold for priority and focus schools to operate a school wide program.</td>
<td>State currently implements statewide process to identify and provide authorization to LEAs to fund school-wide schools.</td>
<td>None needed.</td>
<td>No change in current implementation activity pending decision to file for ESEA waiver.</td>
<td>LEAs must be noticed of waiver authority to operate a school-wide program in priority and focus schools based on the needs of students in the school.</td>
<td>SBE policy required.</td>
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<td>Waiver providing flexibility for rural LEAs.</td>
<td>Current Rural Education Achievement Program assists rural LEAs in using federal resources more effectively. Requirements are included in an April 8, 2011, letter to LEAs Web document at <a href="http://www.cde.ca.gov/fg/aa/rp/reapcert09.asp">http://www.cde.ca.gov/fg/aa/rp/reapcert09.asp</a>.</td>
<td>None needed.</td>
<td>No change in current implementation activity pending decision to file for ESEA waiver.</td>
<td>LEAs that receive Small, Rural School Achievement Program or Rural and Low-Income School Program funds may use these funds for any authorized purpose regardless of their adequate yearly progress status.</td>
<td>SBE policy required.</td>
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<td>Waiver of limits on transferability of funds and requirements to report transfers prior to transferring funds.</td>
<td>Activities Completed or Underway</td>
<td>An LEA (except an LEA identified for PI under Section 1116[c] or corrective action under Section 1116[c] [9]) may transfer up to 50 percent of the funds of any of the programs listed, with some restrictions.</td>
<td>These limits are monitored through error checks embedded in the Consolidated Application.</td>
<td>Transferability of funding to be implemented pending waiver authorization.</td>
<td>State legislation and SBE policy required after a waiver is granted to define new transferability of funds requirements.</td>
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<td>Waiver for flexibility to support school improvement.</td>
<td>SEA implementing School Improvement as prescribed by federal law and SBE policy.</td>
<td>No change in current implementation activity pending decision to file for ESEA waiver.</td>
<td>SEA signs assurance that it will allocate Section 1003(a) of the ESEA funds to any LEA in order to serve focus and priority schools if the SEA determines such schools are most in need of additional support.</td>
<td>SBE Policy required after priority and focus schools are identified and interventions defined.</td>
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<td>Waiver regarding Highly Qualified Teacher (HQT) Improvement Plan.</td>
<td>If an SEA determines that an LEA has failed to meet the requirements as described in section 1119(a)(2) and has failed to meet AYP as described in section 1111(b)(2)(B) for three consecutive years, the SEA shall enter into an agreement on the use of the LEA's funds under this part. (Compliance Monitoring, Intervention, and Sanctions [CMIS], Level C).</td>
<td>Section 1119(a) (2) of the ESEA requires the SEA to develop a plan to ensure that all teachers teaching core academic subject are highly qualified.</td>
<td>No change in current implementation activity pending decision to file for SEA waiver.</td>
<td>None defined. LEA and SEA provided relief from implementing required HQT plans or agreements regarding the use of funds and need not provide technical assistance to LEAs in implementing their plans.</td>
<td>SBE policy changes needed to eliminate CMIS and adopt any new policies for teacher qualification.</td>
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CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2012 AGENDA

SUBJECT
Elementary and Secondary Education Act: (1) Supplemental Educational Services Providers: Approval of Providers to the 2012–14 State Board of Education-Approved Supplemental Educational Services Provider List and a Waiver Request Under Title I, Part A Section 9401 of the Elementary and Secondary Education Act for 2012–14; and (2) School Improvement Grant: Approval of California’s Fiscal Year 2011 Continuation Awards Only Funds for the School Improvement Grant authorized under the Elementary and Secondary Education Act Section 1003(g).

SUMMARY OF THE ISSUE(S)

Supplemental Educational Services

Section 1116(e)(4)(C) of the Elementary and Secondary Education Act (ESEA) requires the State Educational Agency (SEA) to develop and maintain a list of approved Supplemental Educational Services (SES) providers to provide services to eligible students. Section 1116(e)(4)(C) of the ESEA is provided as Attachment 1. The 34 Code of Federal Regulations (34 C.F.R.), Section 200.47(b)(1)(iv)(A) and (B) prohibits an SEA from approving local educational agencies (LEAs) identified for improvement or corrective action as providers of SES.

School Improvement Grant

On September 20, 2011, the U.S. Department of Education (ED) approved California’s waiver request to carry over 100 percent of fiscal year (FY) 2010 School Improvement Grant (SIG) funds of Section 1003(g) of the ESEA. These funds are to be awarded beginning in the 2012–13 school year (SY) under the condition that the California Department of Education (CDE) award LEAs and their respective schools sub-grants no later than March 2012. The FY 2011 SIG allocation will fund the second year of this SIG Cohort.

RECOMMENDATION

Supplemental Educational Services Providers Approval

Recommendation 1:
RECOMMENDATION (Cont.)

The CDE recommends that the State Board of Education (SBE) approve SES providers from the 2012 SES Request for Applications (RFAs) for a two-year period beginning July 1, 2012, through June 30, 2014. The 2012 SES RFA is based on the final adopted California Code of Regulations, Title 5 (5 CCR), Section 13075. 5 CCR, is provided as Attachment 2. The summary and list of the approved providers is provided as Attachment 3.

Recommendation 2:

The CDE recommends that the SBE authorize a request to the ED to waive the ESEA Title I, Part A regulatory provision for the 2012–14 school years that prohibits a state from approving as providers of SES LEAs identified for improvement or corrective action pursuant to 34 C.F.R., Section 200.47(b)(1)(iv)(A) and (B).

The draft letter of waiver request to the ED is provided as Attachment 4, and if approved, the timing of submission of this waiver request will be determined by the Executive Director of the SBE.

School Improvement Grant

The CDE recommends that the SBE authorize the SBE President or designated liaison, along with the State Superintendent of Public Instruction, to approve California’s FY 2011 Continuation Awards Only SIG application to the ED. The SEA application document is provided as Attachment 5.

BRIEF HISTORY OF KEY ISSUES

Supplemental Educational Services Providers Approval

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

Local Educational Agency Eligibility to Apply as SES Providers

Title I regulations currently preclude LEAs identified for improvement from serving as SES providers. The regulatory waiver of 34 C.F.R. Section 200.47(b)(1)(iv)(A) and (B) would allow all interested LEAs identified for improvement or corrective action to apply to serve as SES providers. If this waiver is granted by the ED, any PI LEA that was approved as an SES provider as a result of the 2011–12 waiver would be extended for the term of this new waiver request through the 2012–13 school year. This is consistent with the SBE’s regular approval policy, which is to approve SES providers for a two-year period. In addition, PI LEAs that are not authorized to serve as SES providers for the
2012–13 school year will be invited to submit applications in anticipation of approval of the waiver and allowed to provide services consistent with the timeframe of the waiver.

The SEA that receives these waivers must provide information to the ED by September 30, 2013, that sets forth the name and National Center for Education Statistics District Identification Number for each LEA implementing the waivers.

School Improvement Grant

On December 2, 2011, the ED released its FY 2011 SIG application for SEAs. In order to reduce the burden on SEAs that used FY 2010 funds to pay for the first year of three-year SIG awards, the ED is not requiring an SEA that will use FY 2011 funds solely for continuation awards to submit a new SIG application. Such an SEA is only required to submit a document titled “Continuation Awards Only Application for FY 2011 SIG Program,” containing assurances that it will use its renewal process and not make new awards. California is planning to make continuation awards only for Cohort 2.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Supplemental Educational Services

At its January 2012 meeting, the SBE approved an additional 15 providers on appeal of the 2011 application and removed 10 providers for failure to submit their complete and correct 2010–11 Accountability Report by the extended deadline.

At its July 2011 meeting, the SBE granted conditional approval to 16 LEAs identified for improvement or corrective action to serve as SES providers for the 2011–12 school year. The notification from the ED of the granted waiver was received by the District, School, and Innovation Branch on August 3, 2011.

At its May 2011 meeting, the SBE approved 161 providers out of 209 applicants to serve as SES providers from July 1, 2011, through June 30, 2013. The SBE also authorized the CDE to request a waiver of 34 C.F.R. Section 200.47(b)(1)(iv)(A) and (B) to allow PI LEAs to serve as providers for the 2011–13 school years.

The combined total of SBE-approved providers authorized to provide SES for either the 2009–11 or 2010–12 cycle is currently 253.

School Improvement Grant

At its January 2012 meeting, the SBE took action to approve funding for the recommended list of 14 LEAs on behalf of 39 schools that applied for FY 2010 SIG subgrants provided under Section 1003(g) of the ESEA for the 2012–13 SY based upon the LEA submitting an approvable application.
FISCAL ANALYSIS (AS APPROPRIATE)

Supplemental Educational Services

There is no fiscal impact to the state. An LEA contracts with SBE-approved SES providers to provide free tutoring to students enrolled in schools in PI Years 2 through 5 and beyond. An LEA must spend an amount equal to a minimum of 5 percent each to a maximum of 20 percent total for school-choice transportation and SES services.

School Improvement Grant

The SIG funds provide LEAs with grants ranging from $50,000 to $2 million per SY. Approximately $66 million is available under Section 1003(g) of the ESEA for FY 2010 and the CDE anticipates that the FY 2011 federal allocation will be for a similar amount.

ATTACHMENT(S)

Attachment 1: Elementary and Secondary Education Act, Section 1116 (e)(1) and (4) (1 Page)

Attachment 2: California Code of Regulations, Title 5, Section 13075.2 (6 pages)

Attachment 3: 2012–14 Supplemental Educational Services Providers Application Summary (5 Pages)

Attachment 4: DRAFT April 6, 2012, letter from Deborah V.H. Sigman, Deputy Superintendent, District, School, and Innovation Branch, to Michael Yudin, Acting Assistant Secretary, Office of Elementary and Secondary Education, U.S. Department of Education, regarding Waiver to Allow Local Educational Agencies in Program Improvement or Corrective Action to Be Eligible to Apply as Supplemental Educational Services Providers (5 Pages)

Attachment 5: Continuation Awards Only Application for FY 2011 School Improvement Grants (SIG) Program (1 Page)
SELECT PROVISIONS OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

SEC. 1116. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

(e) SUPPLEMENTAL EDUCATIONAL SERVICES-

(1) SUPPLEMENTAL EDUCATIONAL SERVICES— In the case of any school described in paragraph (5), (7), or (8) of subsection (b), the local educational agency serving such school shall, subject to this subsection, arrange for the provision of supplemental educational services to eligible children in the school from a provider with a demonstrated record of effectiveness, that is selected by the parents and approved for that purpose by the State educational agency in accordance with reasonable criteria, consistent with paragraph (5), that the State educational agency shall adopt.

Subsections (2) and (3) are omitted because they are not relevant to the item.

(4) STATE EDUCATIONAL AGENCY RESPONSIBILITIES— A State educational agency shall--

(A) in consultation with local educational agencies, parents, teachers, and other interested members of the public, promote maximum participation by providers to ensure, to the extent practicable, that parents have as many choices as possible;

(B) develop and apply objective criteria, consistent with paragraph (5), to potential providers that are based on a demonstrated record of effectiveness in increasing the academic proficiency of students in subjects relevant to meeting the State academic content and student achievement standards adopted under section 1111(b)(1);

(C) maintain an updated list of approved providers across the State, by school district, from which parents may select;

(D) develop, implement, and publicly report on standards and techniques for monitoring the quality and effectiveness of the services offered by approved providers under this subsection, and for withdrawing approval from providers that fail, for 2 consecutive years, to contribute to increasing the academic proficiency of students served under this subsection as described in subparagraph (B); and

(E) provide annual notice to potential providers of supplemental educational services of the opportunity to provide services under this subsection and of the applicable procedures for obtaining approval from the State educational agency to be an approved provider of those services.
CALIFORNIA CODE OF REGULATIONS, TITLE 5

§ 13075.2. Application for SBE Approval.

This section sets forth the criteria upon which applicants will be evaluated by the CDE. An eligible applicant shall be recommended by the CDE for SBE approval upon receipt of a completed application and a designation of “Adequate” on the “SES Request for Application (RFA) Scoring Rubric, Cohort 2010 (posted March 2010)” which is hereby incorporated by reference. The CDE will annually post the SES Provider Application on the CDE’s Web site on or before the fourth Friday in September.

(a) Eligible applicants must submit a completed application to the CDE no more than 30 business days after the CDE posts the request for application on the CDE Web site (http://www.cde.ca.gov/ta/ac/ti/supplemental.asp).

(b) A completed application shall provide a detailed description of the services provided by the applicant and shall contain only the following:

(1) A demonstrated record of effectiveness in increasing the academic proficiency of students from the two immediately preceding school years based on data, disaggregated within content area by grade level for which the SES application is submitted;

(2) At least five letters of reference from previous clients (e.g., families, schools, districts, teachers, etc.) offering testimonial information about the positive impact of the applicant’s program;

(3) Assurance by the applicant that it has not been terminated by the SBE as an approved provider, pursuant to section 13075.5 of this subchapter at any time within the immediately preceding two fiscal years in which it is submitting an application;

(4) Assurance by the applicant that it has not been terminated as an approved provider of SES from any other state’s list at any time within the immediately preceding two fiscal years in which it is submitting an application; or

(A) Applicant providers that have been terminated as an approved provider of SES from any other state’s list at any time in the preceding two fiscal years shall provide evidence of the reasons for termination for the purpose of determining whether the violation(s) would have resulted in termination according to the criteria for termination as defined in section 13075.5.
(5) Assurance by the applicant that it has not been debarred, suspended from or
deemed ineligible for any federally-funded contracts in California or in any other state,
as specified in 34 C.F.R. section 85 at any time within the immediately preceding two
fiscal years in which it is submitting an application;

(6) Written proof of current liability insurance coverage and an assurance it will
provide the LEAs with which it contracts written proof of current liability insurance
coverage and other necessary insurance of the type and in the amount required by the
LEA;

(7) Evidence that it holds a valid business license issued by the California Secretary
of State if it intends to provide services statewide, or that it holds a valid business
license issued by the appropriate local licensing entity where it intends to provide
services;

(8) If an applicant reasonably anticipates subcontracting the provision of services, it
must include the following information in its application:

(A) identification of all subcontractors;

(B) complete and detailed description of the services that will be provided by each
subcontractor;

(C) assurance that the applicant shall only use subcontractor(s) for whom it provides
the information required by this section; and

(D) assurance that the applicant shall limit the work of each subcontractor to the
services described in its application.

(9) Identification of a supervisor who resides in the state of California;

(10) A description of the staffing, fiscal, equipment, and facility resources of the
organization that enable it to work with students in compliance with these regulations
and applicable federal, state, and local statutes and regulations;

(11) The program cost for completing the basic program per individual student;

(12) A demonstration that it is fiscally sound, as shown by all of the following:

(A) Proof of financial resources to operate as an approved provider through the first
six months of the first year for which it is seeking approval, including a description of
how the organization receives funding (e.g., grants, fees-for-services, etc.) separate
from reimbursements for provider services;
1. For an applicant that is currently operating as an approved provider and is reapplying to be an approved provider, proof of financial resources to operate as an approved provider may include reimbursement for provider services.

(B) Proof of financial viability (e.g., through audits, financial statements, or credit rating); and

(C) Organizational budgets that identify all sources of revenues available to the applicant and cash flow activity related to the expenditures of that revenue.

(13) Certification that the facility meets all applicable federal, state, and local health and safety laws, if instruction will occur at a facility other than the student’s school or residence;

(14) Assurance that all instruction shall be provided outside of the regular school day;

(15) Evidence that its instruction will meet the following criteria:

(A) Instruction and materials will be aligned with applicable state SBE-adopted academic content standards, K-12 curriculum frameworks and K-8 SBE-adopted instructional materials or 9-12 locally-adopted materials including any intervention materials used by the LEA;

(B) Instruction will be organized and presented in a manner designed to meet the specific achievement goals of individual students;

(C) Instruction will be coordinated with the student’s school program, and when applicable, the student’s IEP and/or a 504 Plan;

(D) Instruction will be of high quality, research-based, and specifically designed to increase students’ academic achievement in English language arts, mathematics, and/or science; and

(E) Assurance that instruction will be provided that is secular, neutral, and non-ideological.

(16) A description of the procedure for developing SLPs in consultation with parent(s)/guardian(s) and school staff;

(17) If applicable, a description of how students with disabilities and English learners will have access to SES, including descriptions of accommodations, strategies and curriculum that will meet the unique needs of these students;
(18) A description of the procedures for providing students, parent(s)/guardian(s),
teachers, schools and/or districts, with regular reports of student progress;

(19) A description of how the applicant will secure parental/guardian permission to
access student information (e.g., Standardized Testing and Reporting (STAR) scores,
IEP, 504 Plan, and/or attendance records) maintained by the LEA for each student
served for the purposes of developing a student’s SLP;

(20) Assurance that the applicant shall comply with all applicable laws in obtaining
personally identifiable information from a student’s educational record.

(21) Assurance that all personally identifiable student level data shall not be
disclosed to any other party without prior consent of the parent or guardian;

(22) Assurance that the applicant will comply with all state and federal privacy laws,
including 20 U.S.C. section 1232g (FERPA), Education Code sections 49073 through
49079 inclusive, and Education Code section 60641(a)(3)(A);

(23) A description of the process of collaborating with contracting school districts in
the use of individual student test results and/or other measures used for measuring
student academic performance;

(24) A description of the procedures to maintain, monitor, and notify LEAs about
personnel updates related to the approved provider’s staff changes;

(25) The number of online tutors residing inside the United States who will be
providing instructional services to SES students;

(26) The number of online tutors residing outside the United States who will be
providing instructional services to SES students;

(27) A description of the procedures for completion of, and compliance with
background checks pursuant to chapter 1, article 2.5 of the California Penal Code and
TB tests for all persons providing direct services to students;

(A) Online tutors not in physical proximity to students may be exempted from the TB
test requirement.

(28) Assurance that the applicant will comply with all applicable federal, state, and
local health, safety, and civil rights laws, including mandatory child abuse reporting in
accordance with Penal Code sections 11164 through 11174.3;

(29) Assurance that the applicant shall submit, by August 1, the annual SES

(30) Assurance that the applicant shall provide the LEA with specific procedures that will be used to ensure a student’s safety prior to, during and following each tutoring session, including drop off and pick up policies;

(31) Assurance that the applicant shall provide the LEA with specific procedures used to notify students and parents when sessions have been cancelled or rescheduled;

(32) A description of the ongoing staff development for its instructional staff;

(33) A description of the minimum number of sessions with the number of hours per session that together with the pre and post tests constitute a provider’s basic program.

(34) Assurance that the applicant shall not transfer its approval status or sell its approval status to another entity.

(c) All completed applications received by the date specified in subdivision (a) will be reviewed by the CDE and submitted to the SBE for its approval or disapproval.

(1) The effective date of any ensuing approval will be July 1 of the next state fiscal year following SBE approval;

(2) Each approval period is for two school years.

(3) An approved provider may relinquish its approval by notifying the CDE in writing. Approved providers that relinquish their approval status will not be considered as terminated, but will be removed from the SBE-approved list for the remainder of the two-year approval period.

(4) For applicants that are not recommended by the CDE to the SBE for approval, the following process shall be adhered to:

(A) If the applicant receives notification of a failed application, the provider has 30 calendar days from the date of delivery to file a written request for appeal with the CDE. The CDE will review the request on behalf of the SBE. The request shall include an explanation of the basis for the appeal and any supporting documentation.

(B) Upon receipt of a provider’s appeal, the CDE shall have 30 calendar days to review the appeal. The CDE shall have the right to request that a provider submit
additional or clarifying information. The CDE shall also have the right to reasonably extend the review period for up to an additional 30 calendar days, if, in its opinion, more time is required to complete a thorough review of the appeal and supporting documents.

(C) Upon completion of its review, the CDE shall make a recommendation to the SBE to either uphold or deny the provider’s appeal, including the reasons for such recommendation. The CDE shall also notify the provider that its investigation is complete, notify the provider of its recommendation and inform the provider that the recommendation has been forwarded to the SBE.

2012–14 Supplemental Educational Services Providers Application Summary

The California Department of Education (CDE) received 137 applications for the 2012 Supplemental Educational Services (SES) providers’ application period. The following is a summary of these applications.

<table>
<thead>
<tr>
<th>Application Category</th>
<th>Criteria</th>
</tr>
</thead>
</table>
| Applications Recommended for Approval in the identified content area(s) and with specific population(s) | 53 (39% of 137)  
  The applicant met the standard of adequate in all four program elements:  
  • High Quality Research and Program Effectiveness  
  • Program Design  
  • Evaluation and Monitoring  
  • Staff and Resources |
| Late Applications or Applications that Failed to meet one or more of the Application Specifications | 23 (16% of 137)  
  • Did not submit online profile  
  • Did not sign and submit SES assurances  
  • Did not submit all four required elements in the narrative  
  • Did not complete Template for Quality Verification of Testing Instrument  
  • Did not submit sufficient supporting documentation; e.g., five letters of reference, proof of being legally constituted and qualified to do business in California, liability insurance, and/or being fiscally sound to operate as a provider  
  • Did not meet the submission deadline |
| Applications Not Recommended for Approval | 61 (45% of 137)  
  • Failed to provide a record of academic effectiveness from the two years preceding submission and/or provide sufficient evidence that their selected testing instrument meets the standards for validity and reliability  
  • Failed to describe an instructional program that meets the specifics identified in regulations  
  • Failed to describe procedures for evaluation and monitoring of student progress, program effectiveness and LEA consultation  
  • Failed to describe staffing, resources and professional development as defined in regulations  
  • Identified as an ineligible applicant |

Total 137

CDE staff used the rubric approved by the State Board of Education (SBE) in January 2005 to evaluate the applications. Pending SBE approval of the March 2012 list of recommended providers, the CDE will post the list on the CDE SES Web page at [http://www.cde.ca.gov/ta/ac/ti/supplemental.asp](http://www.cde.ca.gov/ta/ac/ti/supplemental.asp). The list of providers approved at the March 2012 meeting will be in effect from July 1, 2012, through June 30, 2014.
<table>
<thead>
<tr>
<th>Provider Name</th>
<th>English-Language Arts</th>
<th>Math</th>
<th>Science</th>
<th>EL</th>
<th>SWD</th>
<th>Online</th>
<th>Type of Entity</th>
</tr>
</thead>
<tbody>
<tr>
<td>! 1 Computadora Gratis para Ti! Inc.</td>
<td>X</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>For-profit agency</td>
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<tr>
<td>! A+ CAT (Computer Assisted Tutoring)</td>
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<td>~# 1 A+ Student Learning Academy Center ~</td>
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<td>1 2 3 Success/Ventura County Office of Education</td>
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<td>County Office of Education</td>
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<td>A Plus Tutorial Center</td>
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<tr>
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<td>School Success LLC DBA Tutoring Club</td>
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<td>For-profit agency</td>
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<tr>
<td>Provider Name</td>
<td>English-Language Arts</td>
<td>Math</td>
<td>Science</td>
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<td>SWD</td>
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<td>Type of Entity</td>
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<td>Sullivan Learning Systems, Inc.</td>
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<td>Syntelesys Educational Services, Inc. DBA: #1 Academia de Servicio de Tutoría</td>
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<td>Syvertsen Educational Services, Inc., DBA Tutoring Club</td>
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<tr>
<td>THINK Together</td>
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<td>Thomotti Inc. DBA Cypress Tutoring Club</td>
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<tr>
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</tr>
</tbody>
</table>
Michael Yudin, Acting Assistant Secretary  
Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Acting Assistant Secretary Yudin:

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

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

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

California has set the following annual measurable objectives (AMOs) in reading and mathematics, which are among the subjects offered by SES providers in California for the 2012–13 and the 2013–14 school years. California’s AMOs for 2012–13 and 2013–14 are included in Enclosure 1.
Michael Yudin, Acting Assistant Secretary  
DRAFT April 6, 2012  
Page 2

California will determine adequate yearly progress based on assessments administered in the 2012–13 and 2013–14 school years in accordance with the requirements of Section 1111(b)(2) of the ESEA. California believes that allowing some identified LEAs to serve as SES providers may help more students within California to reach the state’s proficiency objectives.

If California is granted the requested waiver, California will ensure that only those LEAs that meet the state’s requirements for SES providers are approved to be on the state’s list of approved SES providers for the 2012–13 and 2013–14 school years.

Prior to submitting this waiver request, California provided all LEAs in the state with notice and a reasonable opportunity to comment on this request. The specific notice requesting public comment posted on the California Department of Education Web site at http://www.cde.ca.gov/ is included in Enclosure 2. A copy of all comments that California received in response to the notice is included in Enclosure 3.

California hereby assures that, if it is granted the requested waiver, it will submit to the U.S. Department of Education, by September 30, 2013, a report that provides the total number of LEAs identified for improvement or corrective action that were approved to be an SES provider for the 2012–13 school year.

If you have any questions regarding this request, please contact Christine Swenson, Director, Improvement and Accountability Division, by phone at 916-319-0926 or by e-mail at cswenson@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:fl  
Enclosures
Standard Criteria for Annual Measurable Objectives (AMOs) for 2012–13 Adequate Yearly Progress (AYP)

<table>
<thead>
<tr>
<th>Standard Schools and Local Educational Agencies (LEAs)</th>
<th>Percent Proficient or Above on the California Standards Test, California High School Exit Exam, California Modified Assessment, and California Alternate Performance Assessment for 2011–12</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Schools</strong></td>
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</tr>
<tr>
<td>• Elementary and Middle Schools</td>
<td>2012–13</td>
</tr>
<tr>
<td></td>
<td>89.2</td>
</tr>
<tr>
<td></td>
<td>89.5</td>
</tr>
<tr>
<td>• High Schools</td>
<td>2012–13</td>
</tr>
<tr>
<td></td>
<td>88.9</td>
</tr>
<tr>
<td></td>
<td>88.7</td>
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<tr>
<td><strong>LEAs</strong></td>
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<tr>
<td>• Elementary School Districts</td>
<td>2012–13</td>
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<tr>
<td></td>
<td>89.2</td>
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<tr>
<td></td>
<td>89.5</td>
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<tr>
<td>• High School Districts (with grade levels 9–12)</td>
<td>2012–13</td>
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<tr>
<td></td>
<td>88.9</td>
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<td></td>
<td>88.7</td>
</tr>
<tr>
<td>• Unified School Districts • High School Districts • County Offices of Education (with grade levels 2–8 and 9–12) • Elementary School Districts</td>
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</table>

These criteria apply to schools or LEAs that have at least 100 students with valid scores or to numerically significant subgroups that have at least 50 students with valid scores. Different criteria are applied to small schools, LEAs, or subgroups in AYP calculations. Small schools and LEAs with fewer than 100 valid scores have adjusted AMOs to account for the small number of test scores—the AMOs are adjusted using a confidence interval methodology. Small subgroups are those with between 50 to 99 valid scores. AMO criteria for small subgroups are the same as the targets listed above but are only applied if the school or LEA has at least 100 valid scores. Subgroups with fewer than 50 valid scores have no AMO criteria.
Standard Criteria for Annual Measurable Objectives (AMOs) for 2013–14 Adequate Yearly Progress (AYP)

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

These criteria apply to schools or LEAs that have at least 100 students with valid scores or to numerically significant subgroups that have at least 50 students with valid scores. Different criteria are applied to small schools, LEAs, or subgroups in AYP calculations. Small schools and LEAs with fewer than 100 valid scores have adjusted AMOs to account for the small number of test scores—the AMOs are adjusted using a confidence interval methodology. Small subgroups are those with between 50 to 99 valid scores. AMO criteria for small subgroups are the same as the targets listed above but are only applied if the school or LEA has at least 100 valid scores. Subgroups with fewer than 50 valid scores have no AMO criteria.
NOTICE OF REQUEST TO WAIVE SECTION 200.47(b)(1)(iv)(A) and (B) of the 34 CODE OF FEDERAL REGULATIONS

Request for comment on California requesting the U.S. Department of Education to waive subsection 200.47(b)(1)(IV)(A) and (B) of the 34 Code of Federal Regulations for the 2012–13 and 2013–14 academic years.

Notice is hereby given that California will request the U.S. Department of Education (ED) to waive the 34 Code of Federal Regulation (34 C.F.R.), Section 200.47(b)(1)(iv)(A) and (B). 34 C.F.R. 200.47(b)(1)(iv)(A) and (B) prohibit an SEA from approving local educational agencies (LEAs) identified for improvement or corrective action as providers of Supplemental Educational Services (SES).

The purpose of this public notice is to notify you of the opportunity to submit written comment on the request to the ED to waive the prohibition of an SEA approving LEAs identified for improvement or corrective action as SES providers.

All comments regarding the request for waiver must be submitted to Jeff Breshears, Administrator I, Title I Policy and Program Guidance Office, by e-mail at TitleI@cde.ca.gov by noon on Thursday, March 23, 2012.

The waiver request can be reviewed on the SBE Public Notices Web page at http://www.cde.ca.gov/be/pn/pn/.
Continuation Awards Only Application for FY 2011 School Improvement Grants (SIG) Program

- California assures that it will use FY 2011 SIG funds solely to make continuation awards and will not make any new awards\(^1\) to its LEAs.
- California assures that it will use the renewal process identified in California’s approved FY 2010 application to determine whether to renew an LEA’s School Improvement Grant.

In the table below, list any LEAs with one or more schools for which funding under previously awarded SIG grants will not be renewed. For each such school, note the amount of unused remaining funds and explain how the SEA or LEA plans to use those funds (e.g., reallocate to other schools with SIG grants or retain for a future SIG competition).

<table>
<thead>
<tr>
<th>LEA NAME</th>
<th>SCHOOL NAME</th>
<th>DESCRIPTION OF HOW REMAINING FUNDS WERE OR WILL BE USED</th>
<th>AMOUNT OF REMAINING FUNDS</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Not Applicable - California’s Cohort 2 will commence implementation in 2012</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL AMOUNT OF REMAINING FUNDS:**

By submitting the assurances and information above, California agrees to carry out its FY 2010 SIG application and does not need to submit a new FY 2011 SIG application.

Tom Torlakson
State Superintendent of Public Instruction
California Department of Education

Michael W. Kirst
President
California State Board of Education

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\(^1\) A “new award” is defined as an award of SIG funds to an LEA for a school that the LEA was not previously approved to serve with SIG funds in the school year for which funds are being awarded—in this case, the 2012–2013 school year. New awards may be made with the FY 2011 funds or any remaining FY 2009 or FY 2010 funds not already committed to grants made in earlier competitions.
CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2012 AGENDA

SUBJECT

Standardized Testing and Reporting Program: Amendment to Educational Testing Service Contract.

SUMMARY OF THE ISSUE(S)

California Education Code (EC) Section 60643 stipulates that the California Department of Education (CDE) shall develop and the State Board of Education (SBE) shall approve the Standardized Testing and Reporting (STAR) Program contract and allows the CDE to develop the contract through negotiations with the publisher.

Per the contract scope of agreement approved by the SBE in March 2006, the CDE and Educational Testing Service (ETS) may make non-material, technical changes to the scope of work that have no costs associated with them, and that the CDE and ETS may make substantive changes to the scope of work that have no costs associated with them provided that the ETS Program Director, the SBE President, and the State Superintendent of Public Instruction agree to them.

Any changes to the contract that result in additional costs beyond the amounts set forth in the state budget each fiscal year are not valid without prior approval by the Department of Education and the SBE.

RECOMMENDATION

Given there are no additional costs, the CDE recommends that the SBE hear the discussion related to the agreed-upon amendments.

BRIEF HISTORY OF KEY ISSUES

Based on a request from the CDE, ETS is proposing an amendment to the current STAR Program contract to implement enhancements to the current STAR Program that will support the state’s transition activities to the common core state standards and a new assessment system. These proposed enhancements will also provide local education agencies with critical support in making that transition. The proposed scope of work will be provided as an Item Addendum (Attachment 1).
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

July 2010: The SBE approved an extension to the current STAR contract with ETS to December 31, 2013, with the caveat that ETS restore the grade four writing component to the ELA CST and CMA tests with no further compensation as well as develop a longitudinal growth model at no additional cost to the state. The two-year contract extension covers the 2012 and 2013 test administrations.

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

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

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

FISCAL ANALYSIS (AS APPROPRIATE)

The funding for the STAR Program is an annual budget appropriation. The funding necessary for the current contract is included in current fiscal year budget act as well as the most recently proposed fiscal year 2012-13 budget.

ATTACHMENT(S)

Attachment 1: Proposed Enhancements to the Standardized Testing and Reporting (STAR) Program, Amendment Eight will be provided as an Item Addendum.
CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2012 AGENDA

SUBJECT
California High School Exit Examination: Development of a Streamlined Waiver Policy for Waiving the California High School Exit Examination Requirement for Students with Disabilities.

| ☒ Action | ☐ Information | ☐ Public Hearing |

SUMMARY OF THE ISSUE(S)

Alternative means to the California High School Exit Examination (CAHSEE) for eligible students with disabilities (SWDs) to demonstrate competency in the content standards assessed by the CAHSEE have been under consideration since 2009. Alternative means, identified as a two-tiered system consisting of both a screening of alternative scale scores determined to approximate a passing score on the CAHSEE and a collection of evidence (work samples), was determined by the State Board of Education (SBE) in July 2010 to be feasible. However, the proposed two-tiered alternative means is not implementable at this time given the lack of state resources, the move to Common Core State Standards (CCSS), and the conversations regarding the continued use of the CAHSEE in its current form. In addition, implementation of one part of the two-tiered system would not meet statutory intent because it would not provide comprehensive alternative means to the CAHSEE requirement for eligible SWDs.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE direct the CDE to develop a State Board of Education streamlined waiver policy to waive the CAHSEE graduation requirement pursuant to the waiver authority granted in Education Code (EC) Section 56101. CDE would bring a proposed waiver policy to the next SBE meeting for approval. The CDE proposes that the streamlined waiver policy would provide relief to SWDs who have taken the CAHSEE without passing one or both portions, but have demonstrated competency by achieving a scale score on the Standardized Testing and Reporting (STAR) Program’s California Standards Test (CST) or California Modified Assessment (CMA) in English-language arts (ELA) and/or Algebra I that would approximate a passing score on the ELA and/or mathematics portions of the CAHSEE. A streamlined waiver policy would allow waiver requests that meet the policy to be heard by the SBE on its waiver consent calendar.
BRIEF HISTORY OF KEY ISSUES

Beginning with the 2009–10 school year, California Education Code (EC) Section 60852.3 states that eligible SWDs are exempt from the CAHSEE requirement until the SBE makes a determination whether or not it is feasible to provide alternative means to the CAHSEE for SWDs. In July 2010, the SBE determined that alternative means are feasible and in February 2011, the SBE adopted regulations establishing July 1, 2012 as the implementation date for the alternative means. The exemption applies to any SWD currently in grade twelve who has an individualized education program (IEP) or Section 504 plan that indicates that the student is scheduled to receive a high school diploma, on or after July 1, 2009 and prior to June 30, 2012. The exemption from meeting the CAHSEE requirement ends when an alternative means is implemented or by June 30, 2012 if no alternative means are implemented, unless legislation or regulations extending the exemption are approved. See Attachment 1 for the text of the EC sections referred to in this item.

In January 2012, the CDE provided the Advisory Commission on Special Education (ACSE) with the results of statistical analyses linking the CAHSEE and the CMAs and CSTs. (See Attachment 2 for the Technical Description of the Equating/Linking Methods Used to Establish Concordance Between the CAHSEE and the CMAs and CSTs.) As a result of those discussions and relative to the issue of how to address alternative means to the CAHSEE for eligible SWDs, the ACSE recommended that the SBE:

- Seek a legislative remedy to extend the CAHSEE exemption for SWDs until July 1, 2015
- Implement Tier I alternative means (if it does not prohibit extending the exemption), pending careful study and deliberation with the ACSE and stakeholders regarding the CMA cut scores in order to provide SWDs the opportunity to meet CAHSEE graduation requirements through existing assessment measures
- Adopt regulations extending implementation of alternative means until January 1, 2013
- Not implement Tier II at this time.

The ACSE’s concerns regarding the possible end to the exemption are being addressed in part. Specifically, the CDE is proposing in a separate action on the SBE March 2012 agenda to extend the current regulatory implementation date of July 1, 2012 to January 1, 2013, which is the latest date by which alternative means can be extended by regulations. Adoption of the proposed amendment to regulations would have the effect of extending the exemption through December 31, 2012. The State Superintendent of Public Instruction (SSPI) is also sponsoring legislation to extend the implementation date of alternative means to July 1, 2015, to follow the expected implementation of the SMARTER Balanced assessments aligned to the Common Core State Standards.
BRIEF HISTORY OF KEY ISSUES (CONT.)

The CDE agrees with the ACSE that the state should not implement Tier II at this time, given the extensive work and funds necessary for implementation. However, it is important to point out that alternative means are comprised of a system of two tiers intended to work in tandem, and implementation of one tier without the other would not provide a comprehensive alternative means to the CAHSEE requirement. In lieu of implementing an alternative means to the CAHSEE for eligible SWDs at this time, the CDE recommends that a Streamlined Waiver Policy for Waiving the California High School Exit Examination Requirement be developed. Pursuant to EC Section 56101, the SBE may grant waivers that “are necessary or beneficial to the content and implementation of the pupil’s individualized education program.”

The CAHSEE waiver policy, if approved, would provide interim relief to some SWDs by permitting LEAs to identify eligible students with alternate scale scores on the CST or CMA in ELA and/or Algebra I that could approximate a passing score on the CAHSEE for the portion or portions of the CAHSEE not previously passed.

The CDE will consider the following when developing the proposed streamlined waiver policy for waiving the CAHSEE requirement for students with disabilities:

- A process by which a local educational agency (LEA) would identify eligible SWDs who have taken the CAHSEE at least once and not passed either or both the ELA and mathematics portions of the test, but who have demonstrated competency in the standards assessed by the CAHSEE by achieving a scale score on either the CSTs or CMAs that approximate a passing score on the CAHSEE.

- A requirement that eligible SWDs using the proposed waiver have satisfactorily completed or will satisfactorily complete a course of instruction in a high school level curriculum sufficient to have attained the skills and knowledge otherwise needed to pass the CAHSEE.

- A requirement for students to take the CAHSEE in grade ten for purposes of fulfilling the requirements of the federal Elementary and Secondary Education Act.

- The process for applying for a waiver of the CAHSEE requirement for students with disabilities waiver under the specific special education waiver provision of EC Section 56101, which would allow waiver requests that meet the policy to be heard by the SBE on its waiver consent calendar.

- Proposed CDE technical assistance to LEAs as they prepare their waiver requests to the SBE, including the creation of a waiver template form.

The CDE will consult with the ACSE regarding the proposed streamlined waiver policy for waiving the CAHSEE requirement for students with disabilities.
BRIEF HISTORY OF KEY ISSUES (CONT.)

In addition, the CDE is exploring the option of developing other pathways for demonstrating competency in the content standards. For example, the CDE may convene an expert panel, similar to the High School Exit Examination Standards Panel that initially determined the content to be assessed by the CAHSEE, to assist the CDE in the development of any new pathways deemed feasible for all students, including English learners.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE was provided the results of the CAHSEE Alternative Means Tier II pilot study as an October 2011 Information Memorandum. The study provided information on a variety of factors affecting the implementation of Tier II including: types of work samples that could be collected, level of effort required by teachers, level of effort required by scorers, logistics of submission, potential quality of responses, and approximate costs to implement.

At the March 2011 meeting the SBE approved the immediate commencement of the pilot study for alternative means to the CAHSEE for eligible SWDs.

FISCAL ANALYSIS (AS APPROPRIATE)

Some costs may be incurred for the establishment of a development of a streamlined waiver policy for waiving the CAHSEE requirement for SWD. The current CAHSEE budget for CDE would be able to absorb these costs.

ATTACHMENT(S)

Attachment 1: Relevant California Education Code Sections (5 pages)

Attachment 2: Technical Description of the Equating/Linking Methods Used to Establish Concordance Between the California High School Exit Examination, the California Modified Assessments and the California Standards Tests (6 pages)
Relevant California *Education Code* Sections

**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.

**Section 60851**

(a) Commencing with the 2003-04 school year and each school year thereafter, each pupil completing grade 12 shall successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. Funding for the administration of the high school exit examination shall be provided for in the annual Budget Act. The Superintendent shall apportion funds appropriated for this purpose to enable school districts to meet the requirements of this subdivision and subdivisions (b), (c), and (d). The state board shall establish the amount of funding to be apportioned per test administered, based on a review of the cost per test.

(b) Each pupil shall take the high school exit examination in grade 10 beginning in the 2001-02 school year and may take the examination during each subsequent administration, until each section of the examination has been passed.

(c) (1) At the parent or guardian's request, a school principal shall submit a request for a waiver of the requirement to successfully pass the high school exit examination to the governing board of the school district for a pupil with a disability who has taken the high school exit examination with modifications that alter what the test measures and has received the equivalent of a passing score on one or both subject matter parts of the high school exit examination. A governing board of a school district may waive the requirement to successfully pass one or both subject matter parts of the high school exit examination for a pupil with a disability if the
principal certifies to the governing board of the school district that the pupil has all of the following:

(A) An individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec.1400 et seq.) or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)) in place that requires the accommodations or modifications to be provided to the pupil when taking the high school exit examination.

(B) Sufficient high school level coursework either satisfactorily completed or in progress in a high school level curriculum sufficient to have attained the skills and knowledge otherwise needed to pass the high school exit examination.

(C) An individual score report for the pupil showing that the pupil has received the equivalent of a passing score on the high school exit examination while using a modification that fundamentally alters what the high school exit examination measures as determined by the state board.

(2) A school district shall report to the state board, in a manner and by a date determined by the Superintendent, the number and characteristics of waivers reviewed, granted, and denied under this subdivision and any additional information determined to be in furtherance of this subdivision.

(d) The high school exit examination shall be offered in each public school and state special school that provides instruction in grades 10, 11, or 12, on the dates designated by the Superintendent. An exit examination may not be administered on any date other than those designated by the Superintendent as examination days or makeup days.

(e) The results of the high school exit examination shall be provided to each pupil taking the examination within eight weeks of the examination administration and in time for the pupil to take any section of the examination not passed at the next administration. A pupil shall take again only those parts of the examination he or she has not previously passed and may not retake any portion of the exit examination that he or she has previously passed.

(f) Supplemental instruction shall be provided to any pupil who does not demonstrate sufficient progress toward passing the high school exit examination. To the extent that school districts have aligned their curriculum with the state academic content standards adopted by the state board, the curriculum for supplemental instruction shall reflect those standards and shall be designed to assist the pupils to succeed on the high school exit examination. This chapter does not require the provision of supplemental services using resources that are not regularly available to a school or school district, including summer school instruction provided pursuant to Section 37252. In no event shall any action taken as a result of this subdivision cause or require reimbursement by the Commission on State Mandates. Sufficient progress shall be determined on the basis of either of the following:
(1) The results of the assessments administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 and the minimum levels of proficiency recommended by the state board pursuant to Section 60648.

(2) The grades of the pupil and other indicators of academic achievement designated by the school district.

Section 60852.1

(a) The Superintendent shall recommend, and the state board shall select, members of a panel that will convene to make recommendations regarding alternative means for eligible pupils with disabilities to demonstrate that they have achieved the same level of academic achievement in the content standards in English language arts or mathematics, or both, required for passage of the high school exit examination.

(1) The panel shall be composed of educators and other individuals who have experience with the population of pupils with disabilities eligible for alternative means of demonstrating academic achievement, as defined in Section 60852.2, and educators and other individuals who have expertise with multiple forms of assessment. The panel shall consult with experts in other states that offer alternative means for pupils with disabilities to demonstrate academic achievement. A majority of the panel shall be classroom teachers.

(2) The panel shall make findings and recommendations regarding all of the following:

(A) Specific options for alternative assessments, submission of evidence, or other alternative means by which eligible pupils with disabilities may demonstrate that they have achieved the same level of academic achievement in the content standards in English language arts or mathematics, or both, required for passage of the high school exit examination.

(B) Scoring or other evaluation systems designed to ensure that the pupil has achieved the same competence in the content standards required for passage of the high school exit examination.

(C) Processes to ensure that the form, content, and scoring of assessments, evidence, or other means of demonstrating academic achievement are applied uniformly across the state.

(D) Estimates of one-time or ongoing costs, and whether each option should be implemented on a statewide or regional basis, or both.

(3) The panel shall present its options and make its findings and recommendations to the Superintendent and to the state board by October 1, 2009.
(b) By October 1, 2010, for those portions of, or those academic content standards assessed by, the high school exit examination for which the state board determines it is feasible to create alternative means by which eligible pupils with disabilities may demonstrate the same level of academic achievement required for passage of the high school exit examination, the state board, taking into consideration the findings and recommendations of the panel, shall adopt regulations for alternative means by which eligible pupils with disabilities, as defined in Section 60952.2, may demonstrate that they have achieved the same level of academic achievement in the content standards required for passage of the high school exit examination. The regulations shall include appropriate timelines and the manner in which pupils and school districts shall be timely notified of the results.

Section 60852.2

(a) For purposes of this chapter, "eligible pupil with a disability" means a pupil who meets all of the following criteria:

(1) The pupil has an operative individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 (a)) that indicates that the pupil has an anticipated graduation date and is scheduled to receive a high school diploma on or after January 1, 2011.

(2) The pupil has not passed the high school exit examination.

(3) The school district or state special school certifies that the pupil has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma on or after January 1, 2011.

(4) The pupil has attempted to pass those sections not yet passed of the high school exit examination at least twice after grade 10, including at least once during the current enrollment of the pupil in grade 12, with the accommodations or modifications, if any, specified in the individualized education program or the Section 504 plan of the pupil.

(b) Commencing January 1, 2011, an eligible pupil with a disability may participate in the alternative means of demonstrating the level of academic achievement in the content standards required for passage of the high school exit examination in the manner prescribed by the regulations adopted pursuant to Section 60852.1. The state board may, by regulation, extend this date by up to two years if it determines that an extension is necessary for the appropriate implementation of the regulations adopted pursuant to Section 60852.1.
(c) An eligible pupil with a disability shall be deemed to have satisfied the requirements of Section 60851 for those parts of the high school exit examination that the pupil has not passed if the school district in which the pupil is enrolled is notified that the pupil has successfully demonstrated the same level of academic achievement in the statewide content standards as the level of academic achievement that is necessary to pass the high school exit examination through one or more of the alternative means prescribed in the regulations adopted pursuant to Section 60852.1.

Section 60852.3

(a) Notwithstanding any other provision of law, commencing with the 2009-10 school year, an eligible pupil with a disability is not required to pass the high school exit examination established pursuant to Section 60850 as a condition of receiving a diploma of graduation or as a condition of graduation from high school.

(b) This exemption shall last until the state board, pursuant to Section 60852.1, makes a determination that the alternative means by which an eligible pupil with disabilities may demonstrate the same level of academic achievement in the portions of, or those content standards required for passage of, the high school exit examination are not feasible or that the alternative means are implemented.

(c) For the purposes of this section, an eligible pupil with a disability is a pupil with an individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)) that indicates the pupil is scheduled to receive a high school diploma, and that the pupil has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma, on or after July 1, 2009.

(d) A local educational agency, as defined in Section 56026.3, shall not adopt an individualized education program pursuant to the federal Individuals with Disabilities Education Act or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 for a pupil for the sole purpose of exempting the pupil from the requirement to pass the high school exit examination as a condition of receiving a high school diploma, unless that adoption is consistent with federal law.

(e) Pursuant to subdivision (b) of Section 60851, pupils with exceptional needs shall take the high school exit examination in grade 10 for purposes of fulfilling the requirements of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 7114).
Technical Description of the Equating/Linking Methods Used to Establish Concordance Between the California High School Exit Examination, the California Modified Assessments and the California Standards Tests

In response to the State Board of Education’s (SBE) direction, California Department of Education (CDE) psychometricians conducted statistical analyses to estimate the Standardized Testing and Reporting (STAR) Program’s California Modified Assessment (CMA) scale scores that could serve as an alternative scale score for passage of the California High School Exit Examination (CAHSEE). The analyses examined the comparability of scores for the grade ten CMA English-language arts (ELA) with the CAHSEE ELA, and the CMA Algebra I with the CAHSEE for mathematics. The analyses conducted using 2010 California Standards Test (CST) scores were also replicated using 2011 data. The grade ten CMA ELA performance levels approved by the SBE at the September 2011 meeting were used for these analyses.

The analyses described below were based on grade ten students from the class of 2013 who, in 2011, took the census administration of the CAHSEE and/or the CMA Algebra I or the grade ten CMA ELA. CAHSEE mathematics scores were linked to scores on the CMA Algebra I from grade ten (2011). Scores on the CAHSEE ELA were linked to scores on the grade ten CMA ELA (2011). All equating/linking analyses were based on matched student scores.

In linking CST scores to the CAHSEE, three equating/linking methodologies were employed. These included: equipercentile equating, empirical regression, and common student equating. Following the reporting of these analyses it was determined that the empirical regression approach resulted in a significant statistical bias which does not allow for it to be used in the situation where one is examining the comparability of scores at a single cut point on an assessment. Therefore, to establish linkages between CMA and CAHSEE scores, only the results of the equipercentile equating and common student equating are presented here. These methods are explained below.
1. *Equipercentile equating* uses the percentile of student performance corresponding to a passing score on the CAHSEE to determine the scale score for the same percentile on the CMA. The CMA scale score that has a percentile rank equivalent to the percentile rank of a CAHSEE scale score of 350 is the CMA scale score that is roughly equivalent to the passing score on the CAHSEE. Percentile ranks were calculated by:

\[
PR_j = 100\left(1 - \frac{R_j - .5}{n}\right)
\]

where

- \(PR\) = percentile rank
- \(R\) = rank

2. *Common student equating* uses the same techniques employed to equate tests from year-to-year (i.e., Item Response Theory, or “IRT”) to ensure equivalent passing scores. A direct link was made between the passing score for the CAHSEE and student performance on the CMAs.

It is important to note that the statistical approaches described above assume comparable content in the assessments being linked for the results to be robust and meaningful. There is significant overlap in the test blueprints and specifications for the CAHSEE for ELA and the grade ten CMA ELA, which means it is reasonable to assume that these assessments are measuring much of the same construct.

The assumption of comparable content is not as well supported between the CAHSEE for mathematics and the CMA Algebra I. This is because only 15 percent of the items from the CAHSEE mathematics cover Algebra I. The remainder of the test covers grade six and grade seven standards that are not included in the CMA Algebra I. Knowledge prerequisite to Algebra I measured by the CAHSEE (e.g., number sense, grade seven algebra and functions, grade seven math reasoning) is reflected in student performance on the Algebra I test, but the link is weaker than for ELA. At most, 64 percent of the CAHSEE mathematics can be seen as linked to performance in Algebra I.
The results for both the CMA and CST linking studies as well as the CDE staff recommended equivalent scores are presented in Table 1.

Table 1 shows that the grade ten CMA ELA scale scores corresponding to a passing score on the CAHSEE ELA are somewhere between 343 and 358 points. This range encompasses the scale score for proficient on the CMA. The scale score of the CMA Algebra I that corresponds to a passing score on the CAHSEE mathematics is estimated to be between 331 and 332 by the two analyses. These scale scores fall in the middle of the basic range on the CMA Algebra I.

Table 1.
Comparison of the Statistical Analyses Results for The Equipercentile and Common Student Equating Studies and Staff Recommended Equivalent Score – 2011 STAR and CAHSEE Data

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<th>Common Student Equating</th>
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<td></td>
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<tr>
<td>CMA ELA Grade 10</td>
<td>343</td>
<td>81</td>
<td>358</td>
</tr>
<tr>
<td>CMA Algebra I</td>
<td>331</td>
<td>82</td>
<td>332</td>
</tr>
<tr>
<td>CST ELA Grade 10</td>
<td>286</td>
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<td>298</td>
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<tr>
<td>CST Algebra I</td>
<td>269</td>
<td>33</td>
<td>274</td>
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</table>

1 Weighted average of students in the common student equating samples.
2 Note that a score of 350 is the performance level cut score for proficient and 300 is the performance level cut score for basic.

Setting the cut at the proficient level (350) provides a threshold that would all but guarantee that students meeting the CAHSEE mathematics requirement using CMA Algebra I scores have sufficient knowledge of mathematics to pass the CAHSEE. The staff recommendation of 350 addresses the concerns described above regarding the lack of content overlap between the CAHSEE mathematics assessment and the CMA Algebra I.
The recommendation of proficient on the CMAs may seem inconsistent with the recommendation of basic on the CSTs. However, the CMAs are designed to measure students with disabilities (SWDs) who scored below basic or far below basic on the CSTs. The test items, the scaling, and the performance levels on the CMAs are designed to help SWDs demonstrate what they know. As such, CMA scores and performance levels that represent alternative scale scores for passage of the CAHSEE will not be the same as the scores and performance levels on the CSTs.

To estimate the number of SWDs (who took the CMA) that would benefit from Tier I, the scale score of 350 for both the CMA ELA and Algebra I was applied to the students test data. Table 2 provides estimates of the numbers of eligible SWDs from the Class of 2013 who did not meet the CAHSEE requirement in ELA or mathematics or both, but who achieved a performance level of proficient or above on the CMAs and who would have met the CAHSEE requirement under Tier I for the ELA portion, the mathematics portion, or both.

Table 2.
Estimated Number of Eligible SWDs in the Class of 2013 Who Did Not Meet the CAHSEE Requirement but Achieved Proficient or Above on the CMAs

<table>
<thead>
<tr>
<th></th>
<th>Number of students who did not meet the CAHSEE requirement</th>
<th>Number of students who achieved Proficient or Above on the CMA ³</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMA ELA Grade Ten</td>
<td>435</td>
<td>85</td>
</tr>
<tr>
<td>CMA Algebra I (350)</td>
<td>407</td>
<td>38</td>
</tr>
<tr>
<td>Both</td>
<td>8,730</td>
<td>17</td>
</tr>
<tr>
<td>Total</td>
<td>9,572</td>
<td>140</td>
</tr>
</tbody>
</table>

³ Of these total 140 students, 85 would have met the CAHSEE ELA requirement under Tier I using their CMA ELA grade ten score, 38 would have met the CAHSEE mathematics requirement under Tier I using their CMA Algebra I score of 350 or above, and 17 would have met both CAHSEE requirement under Tier I using their CMA ELA grade ten and CMA Algebra I scores.

Table 3 shows the same information as Table 2, but using the lower CMA passing threshold for Algebra I of 331 points. The total number of students estimated to meet
the CAHSEE requirement using one or more CMA scores increases from 140 to 197 students.

Table 3.
Estimated Number of Eligible SWDs in the Class of 2013
Who Did Not Meet the CAHSEE Requirement but Achieved Proficient (350) or Above on the CMA ELA and/or a Scale Score of at Least 331 on CMA Algebra I

<table>
<thead>
<tr>
<th></th>
<th>Number of students who did not meet the CAHSEE requirement</th>
<th>Number of students who achieved Proficient or Above on the CMA ELA and/or a CMA Algebra I score of at least 331</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMA ELA Grade Ten</td>
<td>435</td>
<td>85</td>
</tr>
<tr>
<td>CMA Algebra I (331)</td>
<td>407</td>
<td>71</td>
</tr>
<tr>
<td>Both</td>
<td>8,730</td>
<td>41</td>
</tr>
<tr>
<td>Total</td>
<td>9,572</td>
<td>197</td>
</tr>
</tbody>
</table>

Table 4 presents estimates of the numbers of eligible SWDs from the Class of 2013 who did not meet the CAHSEE requirements for ELA or mathematics or both, but who achieved a performance level of basic on the CSTs.

Table 4.
Estimated Number of Eligible SWDs in the Class of 2013 Who Did Not Meet the CAHSEE Requirement but Achieved Basic (300) or Above on the CSTs

<table>
<thead>
<tr>
<th></th>
<th>Number of students who did not meet the CAHSEE requirement</th>
<th>Number of students who achieved Basic or Above on the CSTs</th>
</tr>
</thead>
<tbody>
<tr>
<td>CST ELA Grade Ten</td>
<td>2,374</td>
<td>627</td>
</tr>
<tr>
<td>CST Algebra I (300)</td>
<td>2,421</td>
<td>166</td>
</tr>
<tr>
<td>Both</td>
<td>19,632</td>
<td>64</td>
</tr>
<tr>
<td>Total</td>
<td>24,425</td>
<td>857</td>
</tr>
</tbody>
</table>

If the recommended cut scores were jointly applied (350 for CMA, 300 for CST) an estimated total of 997 students from the matched samples (140 who took the CMAs as shown in Table 2, and 857 who took the CSTs as shown in Table 4) would be able to meet the CAHSEE requirement.
Table 5 shows the estimated number of eligible SWDs who did not meet the CAHSEE requirement in ELA or mathematics or both, but achieved a performance level of basic or above on the CST ELA grade ten and/or a scale score of at least 269 on the CST Algebra I.

Table 5.
Estimated Number of Eligible SWDs in the Class of 2013 Who Did Not Meet the CAHSEE Requirement but Achieved Basic or Above on the CST ELA and/or a Scale Score of at Least 269 on the CST Algebra I

<table>
<thead>
<tr>
<th></th>
<th>Number of students who did not meet the CAHSEE requirement</th>
<th>Number of students who achieved Basic or Above on the CST ELA and/or at least 269 on the CST Algebra I</th>
</tr>
</thead>
<tbody>
<tr>
<td>CST ELA Grade Ten</td>
<td>2,374</td>
<td>627</td>
</tr>
<tr>
<td>CST Algebra I (269)</td>
<td>2,421</td>
<td>887</td>
</tr>
<tr>
<td>Both</td>
<td>19,632</td>
<td>221</td>
</tr>
<tr>
<td>Total</td>
<td>24,425</td>
<td>1,735</td>
</tr>
</tbody>
</table>

If the lower Algebra I scores of 331 and 269 for the comparable CMA and CST were jointly applied, a total of 1,932 students from the matched samples (197 who took the CMAs as shown in Table 3, and 1,735 who took the CSTs as shown in Table 5) would meet the CAHSEE requirement.
SUMMARY OF THE ISSUE(S)

Senate Bill 161 was signed by the Governor on October 7, 2011. Education Code Section 49414.7, implementing SB 161, went into effect on January 1, 2012. The SB 161 authorizes a school district, county office of education, or charter school to participate in a program to provide nonmedical school employees with voluntary emergency medical training to provide, in the absence of a credentialed school nurse or other licensed nurse onsite at the school or charter school—and with a parent’s written authorization—emergency medical assistance to pupils with epilepsy suffering from seizures, in accordance with guidelines to be developed by the California Department of Education (CDE) in consultation with the State Department of Public Health. These consultations occurred on November 21, 2011, January 13, 2012, and January 17, 2012. Information from other states regarding their implementation of these regulations will be provided at the meeting. The CDE is required to post these guidelines on its Web site by July 1, 2012.

These emergency regulations are being proposed because SB 161 states that the training must be “consistent” with the guidelines and that a nonmedical school employee who has completed the voluntary training and provides assistance “shall” provide assistance “using the guidelines.” Because the guidelines are to be rules of general application that implement SB 161, it is necessary to adopt them as regulations.

RECOMMENDATION

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

- Approve the Finding of Emergency;

- Adopt the proposed Emergency Regulations; and
Direct the CDE to circulate the required notice of proposed emergency action, and then submit the Emergency Regulations to the Office of Administrative Law for approval.

**BRIEF HISTORY OF KEY ISSUES**

The SB 161 went into effect on January 1, 2012. Volunteer nonmedical school employees must be trained in order to provide the emergency medical assistance described in this program. The training must be consistent with the guidelines to be posted by July 1, 2012. Any emergency medical assistance provided by trained volunteer nonmedical employees must be provided using the guidelines to be posted by July 1, 2012. Because the guidelines are to be rules of general application, it is necessary to adopt them as regulations. Given the fact that the SBE meets on a bimonthly basis, it would be difficult, if not impossible, to promulgate regulations that would satisfy the July 1, 2012, date through the rulemaking process. For these reasons, and because the program involves pupil health, there is a need for emergency regulations.

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

N/A

**FISCAL ANALYSIS (AS APPROPRIATE)**

A Fiscal Impact Statement is provided as Attachment 3.

**ATTACHMENT(S)**

Attachment 1: Finding of Emergency (2 pages)

Attachment 2: Emergency Regulations (7 Pages)


Attachment 4: Notice of Proposed Emergency Action (1 page)
FINDING OF EMERGENCY
Administration of Epilepsy Medication: Emergency Medical Assistance

The State Board of Education (SBE) finds that an emergency exists and that the emergency regulations adopted are necessary to avoid serious harm to the public peace, health, safety, or general welfare, especially for pupils attending public schools.

SPECIFIC FACTS DEMONSTRATING THE EXISTENCE OF AN EMERGENCY AND THE NEED FOR IMMEDIATE ACTION

This emergency regulations package will implement the provisions of Education Code section 49414.7, which became effective January 1, 2012. The Legislature passed Senate Bill (SB) 161 and it was signed by the Governor on October 7, 2011 (Statutes of 2011, Chapter 560). SB 161 authorizes a school district, county office of education, or charter school to participate in a program to provide nonmedical school employees with voluntary emergency medical training to provide, in the absence of a credentialed school nurse or other licensed nurse onsite at the school or charter school—and with a parent’s written authorization—emergency medical assistance to pupils with epilepsy suffering from seizures, in accordance with guidelines to be developed by the California Department of Education (CDE) in consultation with the State Department of Public Health. The CDE is required to post these guidelines on its Web site by July 1, 2012. These emergency regulations are being proposed because SB 161 states that the training must be “consistent” with the guidelines and that a nonmedical school employee who has completed the voluntary training and provides assistance “shall” provide assistance “using the guidelines.” Because the guidelines are to be rules of general application that implement SB 161, it is necessary to adopt them as regulations.

The legislature emphasized pupil safety concerns in passing SB 161, finding that “the safety and welfare of a pupil with epilepsy is compromised without immediate access to an emergency antiseizure medication” and that “in the absence of a credentialed school nurse or other licensed nurse onsite at the school, it is in the best interest of the health and safety of children to allow trained school employees to administer an emergency antiseizure medication to pupils in public schools.”

FACTS EXPLAINING THE FAILURE TO ADDRESS THE SITUATION THROUGH NONEMERGENCY REGULATIONS

Senate Bill 161 was signed by the Governor on October 7, 2011 (Statutes of 2011, Chapter 560), became effective on January 1, 2012, and requires that guidelines on training and supervision of volunteer nonmedical personnel be posted by July 1, 2012. CDE has been fulfilling its obligation under SB 161 to consult with the Department of Public Health in the development of the guidelines, and has also sought the input of other interested organizations. Given that the SBE meets on a bimonthly basis, and is a public body that meets pursuant to the requirements of Bagley-Keene, it would be difficult if not impossible to promulgate regulations that would satisfy the July 1, 2012 date through the normal rulemaking process.
AUTHORITY AND REFERENCE

Authority: Sections 33031 and 49414.7, Education Code; Cal. Stats 2011, c. 560 (S.B. 161), sec. 1(b).

Reference: Section 49414.7, Education Code.

INFORMATIVE DIGEST

More than 90,000 children in California have epilepsy, a common symptom of which is seizures. Diastat is a trademark administration system of diazepam (valium) and is currently the only FDA-approved, at-home medication for the treatment of acute repetitive seizures, or “cluster” seizures. Diastat, a rectally-administered gel, was specifically developed to be administered by people without medical training and is considered the fastest, safest and most effective way to treat epileptic seizures.

Many seizure patients, despite maintenance medication, experience breakthrough seizures. Up to 35% of patients on anti-seizure medications may not be adequately controlled. Between 50,000 and 200,000 generalized convulsive status epileptic seizures occur every year in the United States, with an overall mortality rate of 20%. Status seizures lasting more than one hour have a mortality rate of 32%, compared with 2.7% for seizures of shorter duration.

California’s nurse-to-student ratio is approximately 1:2,200. According to the California Basic Educational Data System, about one-half of school districts do not have a school nurse.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS, OR DOCUMENTS

The Legislature relied on the American Academy of Pediatrics and the Epilepsy Foundation of America, both of which support training of school employees to administer an emergency antiseizure medication and believe that an emergency antiseizure medication may be safely and effectively administered by trained school employees.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed regulations do not impose a mandate on school districts, county offices of education, or charter schools because participation is voluntary.

COST ESTIMATE

The emergency regulations would not place any additional costs or savings on local agencies or school districts.

01-10-12 [California Department of Education]
• The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in strikeout.

Title 5. EDUCATION
Division 1. California Department of Education
Chapter 2. Pupils
Subchapter 3. Health and Safety of Pupils
Article 4.5. Administration of Emergency Antiseizure Medication by Trained Volunteer Nonmedical School Personnel

§ 620. Application.
This Article includes guidelines for training and supervision of volunteer nonmedical employees of those school districts, county offices of education and charter schools that elect to participate in a program of providing, in the absence of a credentialed school nurse or other licensed nurse, emergency medical assistance to pupils with epilepsy suffering from seizures, including administration of emergency antiseizure medication during the regular school day.


§ 621. Definitions.
As used in this Article, the following definitions apply:
(a) “Competence in cardiopulmonary resuscitation (CPR)” means possession of a current valid certificate from a valid program.
(b) An “emergency antiseizure medication” means diazepam rectal gel and emergency medications approved by the federal Food and Drug Administration (FDA), prescribed for patients with epilepsy for the management of seizures by persons without the credentials listed in section 622 below.
(c) “Emergency medical assistance” means the administration of an emergency antiseizure medication to a pupil suffering from an epileptic seizure.
(d) “Nonmedical school personnel” or “nonmedical school employees” means employees of a school district, county office of education or charter school who do not possess the licenses listed in section 622 below.

(e) “Regular school day” may include not only the time the pupil receives instruction, but also the time during which the pupil otherwise participates in activities under the auspices of the local educational agency, such as field trips, extracurricular and cocurricular activities, before- or after-school programs, and camps or other activities that typically involve at least one overnight stay away from home.

(f) “Supervision” means review, observation, and/or instruction of a designated school person's performance, but does not necessarily require the immediate presence of the supervisor at all times.


§ 622. Individuals Authorized to Train and Supervise Volunteer Nonmedical School Personnel To Administer Emergency Medical Assistance to Pupils With Epilepsy Suffering From Seizures.

One or more of the following licensed health care professionals shall provide the training and supervision:

(a) A physician and surgeon;

(b) A physician assistant;

(c) A credentialed school nurse;

(d) A registered nurse; or

(e) A certificated public health nurse.


§ 623. Training Content.

The training provided by a licensed health care professional shall include, but not be limited to, all of the following:
(a) Recognition and treatment of different types of seizures;
(b) Administration of an emergency antiseizure medication;
(c) Basic emergency follow-up procedures, including, but not limited to, a requirement for the school or charter school administrator or, if the administrator is not available, another school staff member to call the emergency 911 telephone number and to contact the pupil's parent or guardian. The requirement for the school or charter school administrator or other school staff member to call the emergency 911 telephone number shall not require a pupil to be transported to an emergency room;
(d) Techniques and procedures to ensure pupil privacy;
(e) Training that develops competence in CPR based on standards that are at least equivalent to the standards currently used by the American Red Cross or the American Heart Association;
(f) Record-keeping and record retention, including documenting, for each actual administration of an emergency antiseizure medication, the pupil's name, the name of the medication administered, the dose given, the date and time of administration, the length of the seizure, and observation and action taken after the seizure;
(g) Informing the volunteer that:
(1) his or her agreement to administer an emergency antiseizure medication is voluntary;
(2) he or she must complete the required training;
(3) he or she will not administer an emergency antiseizure medication until he or she has completed the required training and documentation of completion is recorded in his or her personnel file;
(4) he or she may rescind his or her offer to administer an emergency antiseizure medication up to three days after completion of the training;
(5) after three days after completion of the training, he or she may rescind his or her offer to administer an emergency antiseizure medication with a two-week notice, or until a new individual health plan or Section 504 plan has been developed for an affected pupil, whichever is less;
(6) he or she will be provided defense and indemnification by the school district, county office of education, or charter school for any and all civil liability, in accordance with, but not limited to, that provided in Division 3.6 (commencing with section 810) of Title 1 of the Government Code;

(7) he or she will be compensated in accordance with his or her pay scale pursuant to Education Code section 45128, when the administration of an emergency antiseizure medication and subsequent monitoring of a pupil requires a volunteer to work beyond his or her normally scheduled hours;

(8) if he or she has not administered an emergency antiseizure medication within the past two years he or she must be re-trained if there is a pupil enrolled in the school who may need the administration of an antiseizure medication; and

(9) he or she must report every administration of antiseizure medication to the school or charter school administrator.


§ 624. Training Requirements.

The training by a licensed health care professional must be provided in accordance with:

(a) The emergency antiseizure medication manufacturer's instructions,

(b) The pupil's health care provider's instructions; and

(c) Guidelines established pursuant to this Article.


§ 625. Training Timing.

Volunteer nonmedical personnel who have not administered an emergency antiseizure medication within the past two years shall be re-trained if there is a pupil enrolled in the school who may need the administration of an emergency antiseizure medication.
NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference:
Section 49414.7, Education Code.

§ 626. When Emergency Medical Assistance By Trained Volunteer Nonmedical
School Personnel Should Be Provided.

If a school district, county office of education, or charter school elects to participate
in the program described in this Article, emergency medical assistance shall be
provided when:

(a) A pupil with epilepsy has been prescribed an emergency antiseizure medication
by his or her health care provider;

(b) The parent or guardian of the pupil with epilepsy has requested that one or more
volunteer school employees be trained in the event a nurse is not available; and

(c) The school has on file a written statement from the pupil’s authorized health care
provider, provided by the parent, that shall include, but not be limited to, all of the
following:

(1) The pupil’s name;

(2) The name and purpose of the prescribed emergency antiseizure medication
approved by the federal Food and Drug Administration (FDA) for administration by non-
licensed personnel;

(3) The prescribed dosage;

(4) Detailed seizure symptoms, including frequency, type, or length of seizures that
identify when the administration of an emergency antiseizure medication becomes
necessary;

(5) The method of administration;

(6) The frequency with which the medication may be administered;

(7) The circumstances under which the medication may be administered;

(8) Any potential adverse responses by the pupil and recommended mitigation
actions, including when to call emergency services;
(9) A protocol for observing the pupil after a seizure, including, but not limited to, whether the pupil should rest in the school office, whether the pupil may return to class, and the length of time the pupil should be under direct observation; and

(10) Following a seizure, the pupil’s parent/guardian and the school nurse, if a credentialed nurse is assigned to the school district, county office of education, or charter school, shall be contacted by the school or charter school administrator or, if the administrator is not available, by another school staff member to continue the observation plan as established in section 626(c)(9).

(d) The parent has provided all materials necessary to administer an emergency antiseizure medication;

(e) A volunteer has completed training in the administration of an emergency antiseizure medication approved by the FDA for administration by non-licensed personnel;

(f) The pupil is suffering from a severe epileptic seizure; and

(g) A credentialed school nurse or licensed vocational nurse is not available.


§ 627. Supervision of Trained Volunteer Nonmedical School Personnel in Administration of Emergency Medical Assistance, Including the Administration of Emergency Antiseizure Medication, to Pupils with Epilepsy Suffering from Seizures.

If a school district, county office of education, or charter school elects to participate in the program described in this Article, the licensed health care professional supervising the volunteer nonmedical school personnel shall ensure all of the following:

(1) Volunteer nonmedical personnel have completed the required training;

(2) Volunteer nonmedical personnel do not administer an emergency antiseizure medication until they have completed the required training and documentation of completion is recorded in his or her personnel file;
(3) Volunteer nonmedical personnel are permitted to rescind their agreement as provided in sections 623(g)(4) and (5) of this Article;

(4) Volunteer nonmedical personnel who have not administered an emergency antiseizure medication within the past two years are re-trained if there is a pupil enrolled in the school who may need the administration of an antiseizure medication;

(5) Volunteer nonmedical personnel have ready access to records including identification of eligible pupils, written authorization from the parent, the pupil’s health care provider’s written instructions, and parent notification to the school that the pupil has been administered an emergency antiseizure medication within the past four hours on a school day;

(6) Volunteer nonmedical personnel report every administration of emergency antiseizure medication to the school or charter school administrator; and

(7) Volunteer nonmedical personnel document and retain records relating to the actual administration of emergency antiseizure medication, including the pupil’s name, the name of the medication administered, the dose given, the date and time of administration, the length of the seizure, and observation and action taken after the seizure.


2-10-12 [California Department of Education]
March 9, 2012

NOTICE OF PROPOSED EMERGENCY ACTION
Administration of Epilepsy Medication: Emergency Medical Assistance

Pursuant to the requirements of Government Code section 11346.4(a)(1), the State Board of Education (SBE) is providing notice of proposed emergency action with regards to the above-entitled emergency regulation.

SUBMISSION OF COMMENTS

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a Notice of the Proposed Emergency Action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the OAL, the OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OAL within five days after the SBE submits the emergency regulations to the OAL for review.

Please reference submitted comments as regarding “Administration of Epilepsy Medication” addressed to:

Reference Attorney

Mailing Address: Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

E-mail Address: staff@oal.ca.gov
Fax No.: 916-323-6826

For the status of the SBE submittal to the OAL for review, and the end of the five-day written submittal period, please consult the Web site of the OAL at www.oal.ca.gov under the heading “Emergency Regulations.”
ECONOMIC IMPACT STATEMENT

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

1. Check the appropriate box(es) below to indicate whether this regulation:
   - [ ] a. Impacts businesses and/or employees
   - [ ] b. Impacts small businesses
   - [ ] c. Impacts jobs or occupations
   - [ ] d. Impacts California competitiveness
   - [ ] e. Imposes reporting requirements
   - [ ] f. Imposes prescriptive instead of performance
   - [ ] g. Impacts individuals
   - [ ] h. None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate.)

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

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

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

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

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

   Explain: ____________

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

5. Enter the number of jobs created: ____________ or eliminated: ____________

   Describe the types of jobs or occupations impacted: ____________

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?
   - [ ] Yes
   - [ ] No
   If yes, explain briefly: ____________

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

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

   a. Initial costs for a small business: $ ____________ Annual ongoing costs: $ ____________ Years: ____________
   b. Initial costs for a typical business: $ ____________ Annual ongoing costs: $ ____________ Years: ____________
   c. Initial costs for an individual: $ ____________ Annual ongoing costs: $ ____________ Years: ____________
   d. Describe other economic costs that may occur: ____________
ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

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

   ____________________________________________________________

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

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

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

   ____________________________________________________________

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

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

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

   ____________________________________________________________

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

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

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

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

   ____________________________________________________________

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

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

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

   ____________________________________________________________

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

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

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

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

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

FISCAL IMPACT STATEMENT

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

1. Additional expenditures of approximately $ ________________ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:
   □ a. is provided in __________________________, Budget Act of __________________________ or Chapter __________________________, Statutes of __________________________
   □ b. will be requested in the __________________________ Governor's Budget for appropriation in Budget Act of __________________________

2. Additional expenditures of approximately $ ________________ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:
   □ a. implements the Federal mandate contained in __________________________
   □ b. implements the court mandate set forth by the __________________________ court in the case of __________________________ vs. __________________________
   □ c. implements a mandate of the people of this State expressed in their approval of Proposition No. __________________________ at the __________________________ election;
   □ d. is issued only in response to a specific request from the __________________________, which is/are the only local entity(s) affected;
   □ e. will be fully financed from the __________________________ (FEES, REVENUE, ETC.) authorized by Section __________________________ of the __________________________ Code;
   □ f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit;
   □ g. creates, eliminates, or changes the penalty for a new crime or infraction contained in __________________________

3. Savings of approximately $ ________________ annually.

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

6. Other. The program is voluntary and would not result in state mandated costs.

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**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.)

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<td>1. Additional expenditures of approximately $____________ in the current State Fiscal Year. It is anticipated that State agencies will:</td>
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<td>a. be able to absorb these additional costs within their existing budgets and resources.</td>
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<td>b. request an increase in the currently authorized budget level for the __________ fiscal year.</td>
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<td>2. Savings of approximately $____________ in the current State Fiscal Year.</td>
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<td>3. No fiscal impact exists because this regulation does not affect any State agency or program.</td>
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<td>4. Other. Minimal costs will be incurred associated maintaining a clearinghouse for best practices in training nonmedical personnel in administering emergency anti-seizure medication to pupils.</td>
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**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.)

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<td>1. Additional expenditures of approximately $____________ in the current State Fiscal Year.</td>
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<td>2. Savings of $____________ in the current State Fiscal Year.</td>
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<td>3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.</td>
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<td>4. Other. Minimal costs will be incurred associated maintaining a clearinghouse for best practices in training nonmedical personnel in administering emergency anti-seizure medication to pupils.</td>
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**DATE**

February 13, 2012

**FISCAL OFFICER SIGNATURE**

**AGENCY SECRETARY**

**APPROVAL/CONCURRENCE**

**PROGRAM BUDGET MANAGER**

**DEPARTMENT OF FINANCE**

**APPROVAL/CONCURRENCE**

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

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


**Department Name:** Education

**Contact Person:** Linda Lewis

**Telephone Number:** 916-319-0658

**Descriptive Title From Notice Register Or From 400:** Administration of Epilepsy Medication: Emergency Medical Assistance (version dated 2/10/12)

**Notice File Number:** Z

**Economic Impact Statement**

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

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

- Selected option is H: None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate)

**Fiscal Impact Statement**

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

- Selected option is 6: Other. Entered The Program is voluntary and would not result in state mandated costs.

**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. Entered Minimal costs will be incurred associated maintaining a clearinghouse for best practices in training nonmedical personnel in administering emergency anti-seizure medication to pupils.

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

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

Fiscal Officer Signature by Linda Lewis dated February 13, 2011

Agency Secretary Approval / Concurrency Signature by [unintelligible] dated 2/15/12

Department of Finance Approval / Concurrency Signature: No signature.

Questions: State Board of Education | 916-319-0827

Last Reviewed: Friday, February 24, 2012
MARCH 2012 AGENDA

SUBJECT
Administration of Epilepsy Medication—Approve Commencement of the Rulemaking Process for Additions to the California Code of Regulations, Title 5, Sections 620–627.

SUMMARY OF THE ISSUE(S)

Senate Bill 161 was signed by the Governor on October 7, 2011. Education Code Section 49414.7, implementing SB 161, went into effect on January 1, 2012. The SB 161 authorizes a school district, county office of education, or charter school to participate in a program to provide nonmedical school employees with voluntary emergency medical training to provide, in the absence of a credentialed school nurse or other licensed nurse onsite at the school or charter school—and with a parent’s written authorization—emergency medical assistance to pupils with epilepsy suffering from seizures, in accordance with guidelines to be developed by the California Department of Education (CDE) in consultation with the State Department of Public Health. These consultations occurred on November 21, 2011, January 13, 2012, and January 17, 2012. Information from other states regarding their implementation of these regulations will be provided at the meeting. The CDE is required to post these guidelines on its Web site by July 1, 2012.

These emergency regulations are being proposed because SB 161 states that the training must be “consistent” with the guidelines and that a nonmedical school employee who has completed the voluntary training and provides assistance “shall” provide assistance “using the guidelines.” Because the guidelines are to be rules of general application that implement SB 161, it is necessary to adopt them as regulations.

RECOMMENDATION

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

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

The SB 161 went into effect on January 1, 2012. Volunteer nonmedical school employees must be trained in order to provide the emergency medical assistance described in this program. The training must be consistent with the guidelines to be posted by July 1, 2012. Any emergency medical assistance provided by trained volunteer nonmedical employees must be provided using the guidelines to be posted by July 1, 2012. Because the guidelines are to be rules of general application, it is necessary to adopt them as regulations. Given the fact that the SBE meets on a bimonthly basis, it would be difficult if not impossible to promulgate regulations that would satisfy the July 1, 2012, date through the rulemaking process. For these reasons, and because the program involves pupil health, there is a need for emergency regulations.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

N/A

FISCAL ANALYSIS (AS APPROPRIATE)

A Fiscal Impact Statement is provided as Attachment 4.

ATTACHMENT(S)

Attachment 1: Notice of Proposed Rulemaking (5 pages)

Attachment 2: Text of Proposed Regulations (7 Pages)

Attachment 3: Initial Statement of Reasons (3 Pages)

AMENDMENTS TO THE CALIFORNIA CODE OF REGULATIONS, TITLE 5
REGARDING THE ADMINISTRATION OF EPILEPSY MEDICINE: EMERGENCY MEDICAL ASSISTANCE

[Notice Published March 23, 2012]

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. May 7, 2012, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

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

Debra Thacker, Regulations Coordinator
Administrative Support and Regulations Adoption
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 by 5:00 p.m. on May 7, 2012. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

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

**AUTHORITY AND REFERENCE**

Authority: Sections 33031 and 49414.7, Education Code; Cal. Stats 2011, c. 560 (S.B. 161), sec. 1(b).

Reference: Section 49414.7, Education Code.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

More than 90,000 children in California have epilepsy, a common symptom of which is seizures. Diastat is a trademark administration system of diazepam (valium) and is currently the only FDA-approved, at-home medication for the treatment of acute repetitive seizures, or "cluster" seizures. Diastat, a rectally-administered gel, was specifically developed to be administered by people without medical training and is considered the fastest, safest and most effective way to treat epileptic seizures.

Many seizure patients, despite maintenance medication, experience breakthrough seizures. Up to 35% of patients on anti-seizure medications may not be adequately controlled. Between 50,000 and 200,000 generalized convulsive status epileptic seizures occur every year in the United States, with an overall mortality rate of 20%. Status seizures lasting more than one hour have a mortality rate of 32%, compared with 2.7% for seizures of shorter duration.

California's nurse-to-student ratio is approximately 1:2,200. According to the California Basic Educational Data System, about one-half of school districts do not have a school nurse.

The proposed regulations will implement the provisions of Education Code section 49414.7, which became effective January 1, 2012. The Legislature passed Senate Bill (SB) 161 and it was signed by the Governor on October 7, 2011 (Statutes of 2011, Chapter 560). SB 161 authorizes a school district, county office of education, or charter school to participate in a program to provide nonmedical school employees with voluntary emergency medical training to administer emergency medical assistance to pupils with epilepsy suffering from seizures. The emergency medical assistance would be provided only in the absence of a school nurse or other licensed nurse onsite at the
school or charter school, and with a parent’s written authorization. The emergency medical training is to be provided in accordance with guidelines to be developed by the California Department of Education (CDE) in consultation with the State Department of Public Health. The CDE is required to post these guidelines on its web site by July 1, 2012. These regulations are being proposed because SB 161 states that the training must be “consistent” with the guidelines and that a nonmedical school employee who has completed the voluntary training and provides assistance “shall” provide assistance “using the guidelines.” Because the guidelines are to be rules of general application that implement SB 161, it is necessary to adopt them as regulations.

DISCLOSURES REGARDING THE PROPOSED REGULATION

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 regulatory amendments are consistent and compatible with State laws and regulations.

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

FISCAL IMPACT

Mandate on local agencies or school districts: None

Cost or savings to state agencies: Minimal costs will be incurred by the CDE associated with maintaining a clearinghouse, on the CDE Web site, for best practices in training nonmedical personnel in administering emergency anti-seizure medication to pupils.

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 cost or savings imposed on local educational agencies: The program is voluntary and would not result in state mandated costs.

Cost or savings in federal funding to the state: None

ECONOMIC IMPACT ANALYSIS

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.

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

The Legislature determined that the benefits of the regulation to the health and welfare of California residents and to the State’s environment are that in the absence of a credentialed school nurse or other licensed nurse onsite at the school, it is in the best interest of the health and safety of children to allow trained school employees to administer an emergency antiseizure medication to pupils in public schools.

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have an effect on any small business because the regulations relate only to school districts and not to small business practices.

**CONSIDERATION OF ALTERNATIVES**

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons 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 this regulation may be directed to:

Tom Herman, Education Administrator  
Coordinated Student Support & Adult Education Division  
California Department of Education  
1430 N Street, Room 6408  
Sacramento, CA 95814  
Telephone: 916-319-0725

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator 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 and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE’s Web site at http://www.cde.ca.gov/re/lr/rr.

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

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

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

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Unruh Civil Rights Act, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Tom Herman, Education Administrator, 1430 N Street, Sacramento, CA, 95814; telephone, 916-319-0725. It is recommended that assistance be requested at least two weeks prior to the hearing.
Title 5. EDUCATION
Division 1. California Department of Education
Chapter 2. Pupils
Subchapter 3. Health and Safety of Pupils
Article 4.5. Administration of Emergency Antiseizure Medication by Trained Volunteer Nonmedical School Personnel

§ 620. Application.
This Article includes guidelines for training and supervision of volunteer nonmedical employees of those school districts, county offices of education and charter schools that elect to participate in a program of providing, in the absence of a credentialed school nurse or other licensed nurse, emergency medical assistance to pupils with epilepsy suffering from seizures, including administration of emergency antiseizure medication during the regular school day.


§ 621. Definitions.
As used in this Article, the following definitions apply:
(a) “Competence in cardiopulmonary resuscitation (CPR)” means possession of a current valid certificate from a valid program.
(b) An “emergency antiseizure medication” means diazepam rectal gel and emergency medications approved by the federal Food and Drug Administration (FDA), prescribed for patients with epilepsy for the management of seizures by persons without the credentials listed in section 622 below.
(c) “Emergency medical assistance” means the administration of an emergency antiseizure medication to a pupil suffering from an epileptic seizure.
(d) “Nonmedical school personnel” or “nonmedical school employees” means employees of a school district, county office of education or charter school who do not possess the licenses listed in section 622 below.

(e) “Regular school day” may include not only the time the pupil receives instruction, but also the time during which the pupil otherwise participates in activities under the auspices of the local educational agency, such as field trips, extracurricular and cocurricular activities, before- or after-school programs, and camps or other activities that typically involve at least one overnight stay away from home.

(f) “Supervision” means review, observation, and/or instruction of a designated school person's performance, but does not necessarily require the immediate presence of the supervisor at all times.


§ 622. Individuals Authorized to Train and Supervise Volunteer Nonmedical School Personnel To Administer Emergency Medical Assistance to Pupils With Epilepsy Suffering From Seizures.

One or more of the following licensed health care professionals shall provide the training and supervision:

(a) A physician and surgeon;

(b) A physician assistant;

(c) A credentialed school nurse;

(d) A registered nurse; or

(e) A certificated public health nurse.


§ 623. Training Content.

The training provided by a licensed health care professional shall include, but not be limited to, all of the following:
(a) Recognition and treatment of different types of seizures;
(b) Administration of an emergency antiseizure medication;
(c) Basic emergency follow-up procedures, including, but not limited to, a requirement for the school or charter school administrator or, if the administrator is not available, another school staff member to call the emergency 911 telephone number and to contact the pupil’s parent or guardian. The requirement for the school or charter school administrator or other school staff member to call the emergency 911 telephone number shall not require a pupil to be transported to an emergency room;
(d) Techniques and procedures to ensure pupil privacy;
(e) Training that develops competence in CPR based on standards that are at least equivalent to the standards currently used by the American Red Cross or the American Heart Association;
(f) Record-keeping and record retention, including documenting, for each actual administration of an emergency antiseizure medication, the pupil’s name, the name of the medication administered, the dose given, the date and time of administration, the length of the seizure, and observation and action taken after the seizure;
(g) Informing the volunteer that:
(1) his or her agreement to administer an emergency antiseizure medication is voluntary;
(2) he or she must complete the required training;
(3) he or she will not administer an emergency antiseizure medication until he or she has completed the required training and documentation of completion is recorded in his or her personnel file;
(4) he or she may rescind his or her offer to administer an emergency antiseizure medication up to three days after completion of the training;
(5) after three days after completion of the training, he or she may rescind his or her offer to administer an emergency antiseizure medication with a two-week notice, or until a new individual health plan or Section 504 plan has been developed for an affected pupil, whichever is less;
(6) he or she will be provided defense and indemnification by the school district, county office of education, or charter school for any and all civil liability, in accordance with, but not limited to, that provided in Division 3.6 (commencing with section 810) of Title 1 of the Government Code;

(7) he or she will be compensated in accordance with his or her pay scale pursuant to Education Code section 45128, when the administration of an emergency antiseizure medication and subsequent monitoring of a pupil requires a volunteer to work beyond his or her normally scheduled hours;

(8) if he or she has not administered an emergency antiseizure medication within the past two years he or she must be re-trained if there is a pupil enrolled in the school who may need the administration of an antiseizure medication; and

(9) he or she must report every administration of antiseizure medication to the school or charter school administrator.


§ 624. Training Requirements.

The training by a licensed health care professional must be provided in accordance with:

(a) The emergency antiseizure medication manufacturer's instructions,

(b) The pupil's health care provider's instructions; and

(c) Guidelines established pursuant to this Article.


§ 625. Training Timing.

Volunteer nonmedical personnel who have not administered an emergency antiseizure medication within the past two years shall be re-trained if there is a pupil enrolled in the school who may need the administration of an emergency antiseizure medication.
NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference:
Section 49414.7, Education Code.

§ 626. When Emergency Medical Assistance By Trained Volunteer Nonmedical School Personnel Should Be Provided.

If a school district, county office of education, or charter school elects to participate in the program described in this Article, emergency medical assistance shall be provided when:

(a) A pupil with epilepsy has been prescribed an emergency antiseizure medication by his or her health care provider;

(b) The parent or guardian of the pupil with epilepsy has requested that one or more volunteer school employees be trained in the event a nurse is not available; and

(c) The school has on file a written statement from the pupil’s authorized health care provider, provided by the parent, that shall include, but not be limited to, all of the following:

(1) The pupil's name;

(2) The name and purpose of the prescribed emergency antiseizure medication approved by the federal Food and Drug Administration (FDA) for administration by non-licensed personnel;

(3) The prescribed dosage;

(4) Detailed seizure symptoms, including frequency, type, or length of seizures that identify when the administration of an emergency antiseizure medication becomes necessary;

(5) The method of administration;

(6) The frequency with which the medication may be administered;

(7) The circumstances under which the medication may be administered;

(8) Any potential adverse responses by the pupil and recommended mitigation actions, including when to call emergency services:
(9) A protocol for observing the pupil after a seizure, including, but not limited to,
whether the pupil should rest in the school office, whether the pupil may return to class,
and the length of time the pupil should be under direct observation; and

(10) Following a seizure, the pupil’s parent/guardian and the school nurse, if a
credentials nurse is assigned to the school district, county office of education, or
charter school, shall be contacted by the school or charter school administrator or, if the
administrator is not available, by another school staff member to continue the
observation plan as established in section 626(c)(9).

(d) The parent has provided all materials necessary to administer an emergency
antiseizure medication;

(e) A volunteer has completed training in the administration of an emergency
antiseizure medication approved by the FDA for administration by non-licensed
personnel;

(f) The pupil is suffering from a severe epileptic seizure; and

(g) A credentials school nurse or licensed vocational nurse is not available.

NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference:
Section 49414.7, Education Code.

§ 627. Supervision of Trained Volunteer Nonmedical School Personnel in
Administration of Emergency Medical Assistance, Including the Administration of
Emergency Antiseizure Medication, to Pupils with Epilepsy Suffering from
Seizures.

If a school district, county office of education, or charter school elects to participate
in the program described in this Article, the licensed health care professional
supervising the volunteer nonmedical school personnel shall ensure all of the following:

(1) Volunteer nonmedical personnel have completed the required training;

(2) Volunteer nonmedical personnel do not administer an emergency antiseizure
medication until they have completed the required training and documentation of
completion is recorded in his or her personnel file;
(3) Volunteer nonmedical personnel are permitted to rescind their agreement as provided in sections 623(g)(4) and (5) of this Article;

(4) Volunteer nonmedical personnel who have not administered an emergency antiseizure medication within the past two years are re-trained if there is a pupil enrolled in the school who may need the administration of an antiseizure medication;

(5) Volunteer nonmedical personnel have ready access to records including identification of eligible pupils, written authorization from the parent, the pupil’s health care provider’s written instructions, and parent notification to the school that the pupil has been administered an emergency antiseizure medication within the past four hours on a school day;

(6) Volunteer nonmedical personnel report every administration of emergency antiseizure medication to the school or charter school administrator; and

(7) Volunteer nonmedical personnel document and retain records relating to the actual administration of emergency antiseizure medication, including the pupil’s name, the name of the medication administered, the dose given, the date and time of administration, the length of the seizure, and observation and action taken after the seizure.

INITIAL STATEMENT OF REASONS
Administration of Epilepsy Medication: Emergency Medical Assistance

INTRODUCTION

The proposed regulations will implement the provisions of Education Code section 49414.7, which became effective January 1, 2012. The Legislature passed Senate Bill (SB) 161 and it was signed by the Governor on October 7, 2011 (Statutes of 2011, Chapter 560). SB 161 authorizes a school district, county office of education, or charter school to participate in a program to provide nonmedical school employees with voluntary emergency medical training to provide, in the absence of a credentialed school nurse or other licensed nurse onsite at the school or charter school—and with a parent’s written authorization—emergency medical assistance to pupils with epilepsy suffering from seizures, in accordance with guidelines to be developed by the California Department of Education (CDE) in consultation with the State Department of Public Health. The CDE is required to post these guidelines on its Web site by July 1, 2012. These regulations are being proposed because SB 161 states that the training must be “consistent” with the guidelines and that a nonmedical school employee who has completed the voluntary training and provides assistance “shall” provide assistance “using the guidelines.” Because the guidelines are to be rules of general application that implement SB 161, it is necessary to adopt them as regulations.

The legislature emphasized pupil safety concerns in passing SB 161, finding that “the safety and welfare of a pupil with epilepsy is compromised without immediate access to an emergency antiseizure medication” and that “in the absence of a credentialed school nurse or other licensed nurse onsite at the school, it is in the best interest of the health and safety of children to allow trained school employees to administer an emergency antiseizure medication to pupils in public schools.”

The regulations address the “training” and “supervision” of volunteers called for by SB 161.

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

The specific purpose of each adoption and the rationale for the determination that each adoption 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:

Proposed section 620 is added to specify that the regulations in this Article, sections 620 through 627, implement the guidelines on training and supervision required by SB 161.

Proposed section 621 adds definitions of key terms used in this Article.
Proposed section 622 is added to specify which persons are authorized to provide the training and supervision described in this Article.

Proposed section 623 is added to specify the required subject matter content of the training that licensed health care professionals will provide to volunteer nonmedical school employees pursuant to this Article, and specifies information that must be communicated to volunteer nonmedical school employees about the nature and extent of their responsibilities.

Proposed section 624 is added to specify that the training provided pursuant to this Article must be in accordance with the instructions of the medication manufacturer and the pupil's health care provider, and the guidelines in this Article.

Proposed section 625 is added to specify the circumstances under which periodic retraining of volunteer nonmedical school employees is required.

Proposed section 626 is added to specify all of the circumstances that must be present in a specific instance in order for a trained volunteer nonmedical school employee to administer an emergency antiseizure medication to a pupil with epilepsy suffering from seizures.

Proposed section 627 is added to identify the required components of supervision by a licensed health care professional of a volunteer nonmedical school employee pursuant to this Article.

OTHER REQUIRED SHOWINGS – GOV. CODE SECTION 11346.2(b)(3) and(5)

Studies, Reports or Documents Relied Upon – Government 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 of this regulation.

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

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


The SBE has not identified any alternatives that would lessen any adverse impact on small business.
Evidence Relied Upon to Support the Initial Determination That the Regulation will not Have a Significant Adverse Economic Impact on Business – Government Code Section 11346.2(b)(6):

The proposed regulations would not have a significant economic impact on any business because they relate only to public schools and not to small business practices.

2-16-12 [California Department of Education]
ECONOMIC IMPACT STATEMENT

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

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

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

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

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

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

3. Enter the number of small businesses impacted: __________________________ Explain:

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

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

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

   ☐ Yes   ☐ No   If yes, explain briefly:

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

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

   a. Initial costs for a small business: $ ________ Annual ongoing costs: $ ________ Years: ________
   b. Initial costs for a typical business: $ ________ Annual ongoing costs: $ ________ Years: ________
   c. Initial costs for an individual: $ ________ Annual ongoing costs: $ ________ Years: ________
   d. Describe other economic costs that may occur:
2. If multiple industries are impacted, enter the share of total costs for each industry: ________________________________

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

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

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

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

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

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

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

Explain: ____________________________________________

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

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

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

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

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<td>Alternative 1:</td>
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<td>Alternative 2:</td>
<td>Benefit: $</td>
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3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: ________________________________

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

Explain: ____________________________________________

E. MAJOR REGULATIONS (Include calculations and assumptions in the rulemaking record.) Cal/EPA boards, offices, and departments are subject to the following additional requirements per Health and Safety Code section 57005.
1. Will the estimated costs of this regulation to California business enterprises exceed $10 million?  
   Yes  No (If No, skip the rest of this section.)

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

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

---

**FISCAL IMPACT STATEMENT**

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

1. Additional expenditures of approximately $ ___________ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:
   a. is provided in _________, Budget Act of ________ or Chapter ________, Statutes of ________
   b. will be requested in the _________ Governor's Budget for appropriation in Budget Act of ________

2. Additional expenditures of approximately $ ___________ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:
   a. implements the Federal mandate contained in ___________
   b. implements the court mandate set forth by the court in the case of ___________ vs. ___________
   c. implements a mandate of the people of this State expressed in their approval of Proposition No. _______ at the _______ election; ___________
   d. is issued only in response to a specific request from the _________, which is/are the only local entity(s) affected;
   e. will be fully financed from the _________ authorized by Section ________ of the ________ Code;
   f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit;
   g. creates, eliminates, or changes the penalty for a new crime or infraction contained in ___________

3. Savings of approximately $ ___________ annually.

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

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

6. Other. The program is voluntary and would not result in state mandated costs.

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

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

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

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

4. Other. Minimal costs will be incurred associated maintaining a clearinghouse for best practices in training nonmedical personnel in administering emergency anti-seizure medication to pupils.

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

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

2. Savings of $________ in the current State Fiscal Year.

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

4. Other.

FISCAL OFFICER SIGNATURE

AGENCY SECRETARY 1

APPROVAL/CONCURRENCE

PROGRAM BUDGET MANAGER

DEPARTMENT OF FINANCE 2

APPROVAL/CONCURRENCE

DATE

February 13, 2012

DATE

2/15/12

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

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


Department Name: Education

Contact Person: Linda Lewis

Telephone Number: 916-319-0658

Descriptive Title From Notice Register Or From 400: Administration of Epilepsy Medication: Emergency Medical Assistance (version dated 2/10/12)

Notice File Number: Z

Economic Impact Statement

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

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

- Selected option is H: None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate)

Fiscal Impact Statement

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

- Selected option is 6: Other. Entered The program is voluntary and would not result in state mandated costs.

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: Other. Entered Minimal costs will be incurred associated maintaining a clearinghouse for best practices in training nonmedical personnel in administering emergency anti-seizure medication to pupils.

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

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

Fiscal Officer Signature by Linda Lewis dated February 13, 2012

Agency Secretary Approval / Concurrence Signature by [unintelligible] dated 2/15/12

Department of Finance Approval / Concurrence Signature: No signature.

Questions: State Board of Education | 916-319-0827

Last Reviewed: Friday, February 24, 2012
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Dixon Montessori Charter School: Hold a Public Hearing to Consider a Material Revision of the Charter to Increase Enrollment.

SUMMARY OF THE ISSUE

Dixon Montessori Charter School (DMCS), (County-District-School Code 48 76661 0122267), a State Board of Education (SBE) authorized charter school, has requested a material revision of its charter to increase enrollment, as referenced in Attachment 1. The current charter authorizes DMCS to serve 313 pupils in kindergarten through grade eight (K–8). The revised charter would authorize DMCS to serve up to 432 pupils in grades K–8. DMCS currently serves kindergarten through grade seven. Approval of this request will allow DMCS to increase enrollment in order to continue to serve pupils currently enrolled in grade seven. The revised charter petition is provided as Attachment 2.

RECOMMENDATION

California Department of Education Recommendation

The California Department of Education (CDE) recommends that the SBE hold a public hearing and approve the request to revise the charter petition to increase pupil enrollment from 313 to 432 pupils in grades K–8 with the condition that DMCS continues to make a concerted effort to diversify the student body to reflect the students within the county or district.
Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools (ACCS) met on February 8, 2012, and voted to recommend approval of the material revision request by DMCS. The motion passed unanimously.

BRIEF HISTORY OF KEY ISSUES

On January 5, 2010, the SBE approved the DMCS charter petition with a projected enrollment of 250 students for pupils in grades K–8. A condition of the approval included that DMCS will make a strong concerted effort to diversify the student body to reflect the students within the county or district. Since approval, DMCS makes annual revisions to its outreach plan. The CDE staff has monitored the recruitment and admission policies and practices of DMCS. According to 2010–11 enrollment data, DMCS has made improvements, most notably a 10 percent increase in Hispanic or Latino students.

However, the improvements still do not reflect the student demographics of the Dixon Unified School District. Ongoing outreach efforts should continue and student demographics will be monitored by CDE staff.

The DMCS petition was approved by the SBE with the condition that DMCS adhere to a Memorandum of Understanding (MOU) between DMCS and the SBE that requires a material revision of the petition if enrollment exceeds 25 percent more than the original number authorized in the petition. Currently, DMCS is limited to 313 pupils.

The CDE recommends that the SBE approve the request for a material revision of the DMCS charter for the following reasons:

- The current DMCS facilities are safe, Americans with Disabilities Act compliant, and sufficient to accommodate estimated student enrollment and to carry out the curricular and instruction program envisioned in the charter.

- In the first year of operation as an SBE-authorized charter school, DMCS has fully complied with the terms of the MOU with the SBE.

- DMCS submitted the first interim budget report to the CDE by December 15, 2011. This report reflects a positive ending balance for the 2011–12 of $102,658.

- Based on the 2010–11 academic achievement data, DMCS out performs all of the schools pupils would otherwise attend in the Dixon Unified School District. Current academic data for DMCS is provided in Attachment 3.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION


FISCAL ANALYSIS (AS APPROPRIATE)

Operation of DMCS has essentially no fiscal impact on the state as a whole. The CDE receives approximately one percent of DMCS’s general-purpose apportionment for CDE’s oversight activities.

ATTACHMENTS

Attachment 1: Dixon Montessori Material Revision Request (3 Pages)
Attachment 2: Dixon Montessori Revised Charter Petition (93 Pages)
Attachment 3: Dixon Montessori Data Tables (7 Pages)
I am writing on behalf of the board of directors and school administrators of Dixon Montessori Charter School to formally request that a material revision to the school’s charter be placed as an action item on the January 2012 State Board of Education Meeting Agenda. We are specifically seeking permission to increase the number of students who may be taught at Dixon Montessori.

Currently our school serves 287 students. However, the enrollment numbers mutually agreed upon by DMCS and SBE will not allow us to meet local demand for our program. This year the school is serving students in Kindergarten through seventh grades. We are adding an eighth grade next year. The influx of new Kindergarten students and the transition of our seventh grade students into eighth grade would exceed the agreed upon enrollment levels next year and for this reason we are seeking authorization for a material revision to allow the school to reach an eventual student population of 432 students by 2014-2015 – 48 children at each of the grade levels served by the school.

The school’s governing board and administrators analyzed and considered many options before making this request. In anticipation of meeting the needs of our growing student body and maintaining the integrity of our academic program, the governing board made changes to the school’s administrative structure, hired a consultant to create a program aligned to our charter for our emerging middle school program, did a site analysis to ensure that there was sufficient capacity at the school’s current location to instruct a larger student body and worked with the school’s financial advisor to ensure that the expansion will not fiscally jeopardize the school. This advanced planning has positioned the school to serve a larger enrollment in a sound and effective fashion.

When Dixon Montessori became a state authorized charter school, we agreed to continue our emphasis striving to have the school’s enrollment reflect the demographics of the city of Dixon. When SBE Member D. Lopez moved to approve
the school’s petition the following provision was stipulated: The school will make a strong concerted effort to diversify the student body to reflect the students within the county or district. We have made this effort, but the school needs the ability to expand enrollment to meet this goal of demographic parity.

Dixon Montessori feels that our request is in accordance with Education Code Section 47605 (d)(2)(C). Dixon Montessori is not able to accommodate all of the applicants who wish to attend the school. As a result the school must place students by an annual public lottery and many students are forced to enroll at other schools. If Dixon Montessori does not increase enrollment in 2012-2013, it will compel us to seriously limit the number of Kindergarteners served in order to serve the students currently enrolled. The school has devoted considerable resources in training, staffing, curriculum and materials to deliver a strong academic program. This can be witnessed in the school’s test scores both overall and within subgroups which are higher than every other school within Dixon. Increasing our enrollment would allow us to serve a larger number of students who are seeking a quality public education.

Thank you for your assistance with this request,

Debbie Knox
DMCS Governing Board President

Jose Setka
DMCS Governing Board Secretary

Dean Baldwin
DMCS Governing Board Treasurer

Erica Hurtado
DMCS Governing Board Member

Dennis Ballance
DMCS Governing Board Member

Linda Delgado
DMCS Director
Carolyn Pfister
DMCS Director
Dixon Montessori Charter School
355 North Almond Street
Dixon, CA 9562

October 25, 2011

Dear Mr. Work,

The intent of this letter is to notify you that pages 11 and 12 of a proposed draft of the Dixon Montessori Charter Petition now reflects language to support our material revision request. The changes in the charter document are confined to these two pages; the other content has not been changed.

The school will post the proposed charter draft, fiscal analysis based on increased enrollment, the letter requesting the material revision and this letter on our website. These documents can be viewed by the public at www.dixonmontessori.org.

Best,

Carolyn Pfister
Director
Dixon Montessori Charter School
DIXON MONTESSORI CHARTER SCHOOL
CALIFORNIA CHARTER #667

PETITION FOR CHARTER RENEWAL
DATE SUBMITTED:

CO-PETITIONERS:
CAITLIN O’HALLORAN AND SCOTT HILL

SUBMITTED TO:
STATE BOARD OF EDUCATION
**“Table of Contents of Legal Requirements”:**

This charter has been created in the format encouraged by the California State Board of Education (SBE) in its adopted “Model Application for Charter Schools” and goes beyond the legal requirements of Education Code Section 47605. According to the State Board of Education, the Model Application format ensures that charter petitioners cover all of the minimum elements required by law in a systematic way. However, as the Model Application format requires that statutory provisions in the Charter Schools Act be addressed out of the order presented in the Education Code, this “Table of Contents of Legal Requirements” is presented to assist the Reviewer in establishing that all requirements of law have been met.

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As the authorized lead petitioner, I, Scott Hill, hereby certify that the information submitted in this renewal petition for Dixon Montessori Charter School, a California public charter school (the “Charter School” or “DMCS”) to be located within the boundaries of the Dixon Unified School District (DUSD) is true to the best of my knowledge and belief; I also certify that this petition does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if the charter is renewed, the Charter School:

- Shall meet all statewide standards and conduct the student assessment tests pursuant to Education Code Sections 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]

- Shall be deemed the exclusive public school employer of the employees of the Charter School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(b)(5)(O)]

- Shall be nonsectarian in its programs, admission policies, employment practices, and all other operations.

- Shall not charge tuition.

- Shall not discriminate on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).

- Shall admit all pupils who wish to attend the Charter School, and who submit a timely application, unless the Charter School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process. Admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State.

- Shall adhere to all provisions of federal law related to students with disabilities including, but not limited to the Individuals with Disabilities in Education Improvement Act of 2004 (“IDEIA”), Section 504 of the Rehabilitation Act of 1973 (“Section 504”), and Title II of the Americans with Disabilities Act of 1990 (“ADA”).

- Shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary.

- Shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in
other public schools are required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers.

- Shall at all times maintain all necessary and appropriate insurance coverage.

- Shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D)

- 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.

- Will follow any and all other federal, state, and local laws and regulations that apply to the Charter School including but not limited to:

  - The Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection.
  
  - The Charter School shall on a regular basis consult with its parents and teachers regarding the Charter School's education programs.
  
  - The Charter School shall comply with any jurisdictional limitations to locations of its facilities.
  
  - The Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment.
  
  - The Charter School shall comply with all applicable portions of the No Child Left Behind Act.
  
  - The Charter School shall comply with the Public Records Act.
  
  - The Charter School shall comply with the Family Educational Rights and Privacy Act.
  
  - The Charter School shall comply with the Ralph M. Brown Act.
  
  - The Charter School shall meet or exceed the legally required minimum of school days.

Scott Hill,  Date
Lead Petitioner
INTRODUCTION

In 1992, the California State Legislature passed the Charter Schools Act, creating the vehicle for parents and educators to collaborate on innovative educational opportunities for children throughout the state of California. Pursuant to Education Code Section 47601, charter schools were created as a method to accomplish all of the following:

• Improve pupil learning
• Increase learning opportunities for all pupils with special emphasis on expanded learning opportunities 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 the school site.
• Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system
• Hold the schools accountable for meeting measurable pupil outcomes and provide the schools with a method to change from rule-based to performance-based accountability systems.
• Provided vigorous competition within the public school system to stimulate continual improvements in all public schools.

Dixon Montessori Charter School (the “Charter School”) fully embraces the Legislative intent of the Charter Schools Act, and its mandate.
I. **FOUNDING GROUP**

The California State Board of Education, in its Model Application for Charter Schools, has stated that the founding group of a charter school should be able to present evidence that it and its members have the necessary background in the following areas:

- Curriculum, instruction and assessment;
- Finance, facilities and business management; and
- Organization, governance and administration.

**School Leadership and Staffing:**

The leadership and staffing of the school have been stable and consistent. The school is governed by a 7-member board comprised of parents and allows for a representative of the SBE. The Board meets the fourth Tuesday of each month and adheres to the open meeting requirements of the Brown Act.

The DMCS Board of Directors maintains a constant communication loop within the school community, Dixon, and larger public education circles. There is constant discussion and refinement of the school’s work in ensuring that students will be prepared as citizens and for post-secondary work and careers. Because the school has a direct pipeline into state, national, and international movements in education, there is a constant quest to explore new ways of ensuring that students are provided with the support they will need to succeed.

**Fiscal Responsibility:**

As a demonstration of the Charter School Board’s financial expertise, in its first years of operation, the governing board has been extremely conservative in ensuring the financial well-being of the school. As a result, the school is on firm financial standing. It has one final year and approximately $50,000 remaining to pay on its state charter school start up loan. It has approximately $225,000 in reserve (as of May 2009). These funds represent both a conservative approach to spending public dollars, but also a significant amount of community-based fundraising. Over four years, the school’s annual Dragonfly Dinner and Auction has raised approximately $70,000.

**Board:**

The following Board members provide the background and necessary expertise in the above areas to ensure the success of the School:
Board President – Debbie Knox
Deborah Knox, appointed to the Board in May 2010, is a 30 year property and casualty insurance claims veteran with executive leadership experience in strategic planning, operations management, vendor management, governance, and budgeting. Currently she is a strategic consultant with a firm that specializes in improving transaction efficiencies. She also has a CA Life Standard Elementary Teaching Credential. Her granddaughter attends DMCS.

Board Treasurer – Dean Baldwin
Dean has been in Commercial Banking and Management for his entire professional career. His expertise is centered primarily in financial analysis as well as people management. Dean has been involved in local Dixon area non-profit organizations as well as some based in the Sacramento area over the last ten years. Dean and his wife Patty have lived in Dixon the past fifteen years and have two sons, Marco and Samuel, in attendance at Dixon Montessori Charter School.

Board Secretary – Jose Setka
Jose Setka was appointed to the DMCS Board in May 2010 and has a strong background in science, management and team building skills. He currently runs an environmental monitoring and research program for a public utility company. Jose hopes to provide the staff the resources needed to provide a strong science curriculum within the DMCS program. In addition to parenting, Jose enjoys coaching youth soccer and baseball. Jose and his wife Gail have lived in Dixon since 1997. They have two kids, Daniela and Ricardo, who will be starting 5th and 2nd grades respectively at DMCS.

Board Member – Erica Hurtado
Erica Hurtado has lived in Dixon for over ten years and can often be seen around DMCS with a camera in her hands, as she is our resident school photographer. Erica has four children, Katie (a fifth grader), Ryan (a first grader), Ethan and Owen (both future DMCS students). Her husband Dave is a life-long Dixonite and attended elementary and high school in Dixon. As the mother of a son with disabilities, Erica has a special interest in advocating services for children within the special education system.

Board Member – Dennis Ballance
Dennis Ballance was appointed to the Board in January 2011. He is a veterinarian with a strong background in information technology, medical informatics, and management. Dennis currently works for VCA, a veterinary hospital corporation, and he has provided technology leadership for the school since its inception. He and his wife Jenni have lived in Dixon for ten years, and his two daughters attend DMCS in the fifth and third grades.

Board Member – Jodie Esquer
Jodie Esquer began her term on the DMCS Board in 2006. She was elected Secretary and served that post until 2007. She is a fourth-generation Dixon resident. Jodie is very active in her community, if you don’t see her at the baseball fields, you may see her at the soccer fields, since both of her children love to play various sports in Dixon. Jodie and her husband Joe both attended Dixon schools and graduated from Dixon High School. Their son, Kyle, a sixth grader,
and Rylie, a fourth grader, both attend DMCS. Jodie is passionate about the community of Dixon and enthusiastic in her support of local school choice.

**Staffing:**

The school has had a single director, and the staff has been loyal, stable, and a significant part of the day-to-day governance and decision making. The school has a professional support program for its staff. All teachers are California credentialed teachers. Additionally, about half have earned formal Montessori credentialing. The school provides for staff two forms of ongoing professional support. There is a lifetime $5000 grant for teachers to use—with the board’s specific approval—for training that supports the mission of the school. Teachers have used funds from these grants to spend the summer involved in Montessori training, attending content-specific conferences, and also to attend conferences and workshops. As a result, several teachers have gained formal Montessori certification. Additionally, each classroom-based staff member receives approximately $400 annually to use for more specific professional development opportunities. Teachers also receive a $250 grant each summer for purchasing supplies for their classroom.

**Current DMCS Staff:**

Hires in 2005-2006
- Melanie Ingram (Hansen) - K-1 California State Credentialed Teacher with Montessori Training
- Michele Arriaga - Assistant Teacher with Montessori Training
- Kim Machado - P.E. California State Credentialed Teacher

Hires in 2006-2007
- George Pagulayan - Assistant Teacher with Montessori Training and college degree
- Kim Raines - K-1 - California State Credentialed Teacher with Montessori Training
- Noelle Kramer - 3-4 California State Credentialed Teacher
- Jen Stevens - Executive Assistant
- Carolyn Pfister – Executive Director
- Keith Carey - Music Instructor

Hires in 2007-2008
- Remy Glovin - 2-3 California State Credentialed Teacher with Montessori Training
- Elishama Goldfarb - 2-3 California State Credentialed Teacher with Montessori Training
- Amie Hansen - K-1 California State Credentialed Teacher
- Emily Jones - Extended Day Coordinator, Noon Duty, Office Assistant
- Jessica Carlisle - Extended Day Assistant

Hires in 2008-2009
- Jonathan Feagle - 5-6 California State Credentialed Teacher with Montessori Training
• Charlene Payne Schmid - 7-8 California State Credentialed Teacher with Montessori Training
• Joanne Green - 3-4 California State Credentialed Teacher
• Patty Baldwin - Assistant Teacher with Montessori Training and a college degree
• Penny Florent - Custodian
• Michael Schwagerus - Music
• Alex Dillon - Part time math interventions - California State Credentialed Teacher with Montessori Training
• Amy Rea - Part time reading interventions - California State Credentialed Teacher with RSP and Reading Specialist Training

Additionally, the following consultants have been hired to assist in the development and operation of this Charter School:

**Spector, Middleton, Young & Minney, LLP**, Sacramento, CA

Spector, Middleton, Young & Minney, LLP is California’s most experienced, knowledgeable and respected firm working in the unique area of charter school law.

As a leader in charter school representation since the passage of California’s Charter Schools Act of 1992, SMY&M offers expertise in every facet of charter school creation, expansion and operation — including charter petitions and negotiations, MOUs, non-profit incorporation, board governance, facilities, student issues, policy development and more. SMY & M is a leader in charter school law, with experience representing over 350 charter schools throughout the state.

SMY&M’s expertise encompasses every facet of California charter school law, from planning to ongoing operation including but not limited to the following:

• Nonprofit incorporation
• School Finance
• Representation Before State and Federal Agencies
• Board Governance
• Student Issues
• Special Education
• Facilities Development
• Personnel and Labor Relations
• Litigation
• In Service Training
II. EDUCATIONAL PHILOSOPHY AND PROGRAM

Governing Law: A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.--California Education Code Section 47605 (b)(5)(A)(i).

If the proposed school will serve high school pupils, a description of 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. – California Education Code Section 47605(b)(5)(A)(ii).

Mission Statement

DMCS strives to be an intimate learning community that realizes globally-competitive student learning and achievement. DMCS’ mission statement adopted by the DMCS Board is:

The Dixon Montessori Charter School (DMCS) is a K-8 community dedicated exclusively to students and learning. Academic excellence is best achieved when students work at their own pace in a student-centered environment where individual learning styles and interests are honored. Effective instruction ensures academic progress of each student in order to meet school and state expectations and provides the skills necessary for life-long success.

Educational Philosophy

Whom the School is Attempting to Educate:

Dixon Montessori Charter School is a California public school enrolling students in grades Kindergarten through 8. It is a site-based school program, serving students Monday-Friday under a modified traditional calendar also observed by the authorizing district, State Board of Education (SBE). The school calendar generally starts in mid-August and ends in early June. There is an extended break in December/January of about three weeks.

In serving Dixon and the surrounding communities, the school’s target student population reflects that of California as a whole. DMCS has enrolled a diverse student population of Caucasian, Latino, African American, and Asian student subgroups, as well as a substantial number of English learners and students living in poverty. Students with disabilities also are encouraged to enroll as DMCS, in conjunction with the El Dorado Country Office of Education Charter SELPA—provide the range of necessary education services for these students. In many categories, DMCS’ student enrollment reflects the enrollment of DUSD, with the exception of the number of enrolled students who qualify for free and reduced price meals. On the latter
figure, while DMCS has made outreach efforts throughout its existence, about 20 percent of its students qualify for free and reduced price meals—about half the rate of the district as a whole.

According to the School Finance Center (http://schoolfinancecenter.org), DMCS’ enrollment for 2007-8 was:

**Demographics:**
- White: 43.0%
- Hispanic: 31.0%
- Multiple/Decline: 21.1%
- Asian: 3.5%
- Filipino: 0.7%
- African American: 0.7%
- English Learners: 14.8%
- National School Lunch Program: 18.3%
- Socioeconomic Disadvantaged: 16.5%

DMCS has been very pleased with the presence of a Head Start preschool program at the Silveyville site it now occupies. DMCS has used this opportunity to continue to expand its student socioeconomic diversity. DMCS expects that many of these families will continue to be interested in enrolling their students at DMCS and this may bring the opportunity to serve additional students qualifying for free and reduced price meals.

DMCS already has extensive multilingual capacities on staff, as the director and several staff members are fluent in Spanish.

The enrollment at Dixon Montessori has been as follows:

- 2005-06: 38 students in grades K-3
- 2006-07: 100 students in grades K-6
- 2007-08: 140 students in grades K-7
- 2008-09: 180 students in grades K-8
- 2009-10: School closed – 0 students
- 2010-11: 212 students in grades K-8 (none in grade seven, 1 in grade 8)
- 2011-12: 287 students in grades K-7

DMCS has occupied two different facilities owned by DUSD. DMCS willingly provided significant improvements to the Anderson Elementary School facilities it used from 2005—08, moved both its office and its classrooms on that site twice during the time it was housed there and accommodated DUSD’s request to move to the Silveyville campus for the 2008-09 year.
DMCS grew more slowly than the original charter contemplated to accommodate DUSD’s request. DMCS, per the district’s request, reduced its growth by one classroom in 2007-08 despite a waiting list of students wishing to enroll in DMCS at all grade levels.

DMCS has an eventual enrollment goal of 432 students or 48 students per grade level at each of the grades taught at the school. We anticipate that this would mean the following projected enrollment between 2012-13 and 2014-15:

- **2012-13**: 367 students in K-8
- **2013-14**: 412 students in K-8
- **2014-15**: 432 students in K-8

**DMCS as an Education Choice in Dixon:**

DMCS was founded on the ideal that parents and students in Dixon and surrounding communities would support a school that offered:

1. an education alternative in a small town setting
2. an education program with a view that students must connect to their communities and the world
3. a small school community
4. a program founded on and built from parent and family support and involvement
5. a program that fostered individual student development in a structured education setting that, at the same time, recognized that each student is an individual with singular learning styles, needs, and pace

Though a Montessori-based school, DMCS welcomes students who enter the school with or without prior Montessori experience. In fact, the overwhelming majority of the students enter DMCS without prior Montessori education. DMCS’ commitment to enrolling a broad array of students from many backgrounds results in the school providing a curriculum that is based in Montessori but integrates instructional resources that respond to each student’s needs. Consequently, DMCS is seen by parents in Dixon, and by interested families in surrounding communities, much more as an alternative education opportunity that is student-centered, has high parent participation, and is a small learning community. These elements provide the overwhelming impetus for parents and students to become part of DMCS. Over time, as parents and families experience the Montessori approach, they also value the student-centered philosophy that guides learning at the school.

As a school community DMCS, like others, seeks to be reflective on its progress and status. Members of the DMCS staff, board, and community have expressed interest that under the school’s next charter timeline (2010-14), that the school explore further how it can contribute to the Dixon community in the following ways:

- Establishing an international education program and/or link with schools abroad for exchange programs
• Further refinement of the DMCS curriculum to reflect current research and international benchmarking on student competitiveness and education expectations in math and science
• Exploring partnerships with outside agencies, including schools of education and or non-profits to build research and data gathering capacity and to serve as a model program
• Exploring partnerships with local and regional institutions of higher education and businesses to build a framework of college and career readiness for DMCS students.

What it means to be an educated person in the 21st Century:

The Charter School believes an educated person in the 21st century has a solid foundation in all core academic subjects and 21st century learning skills; and mastery of 21st century tools. The Charter School will prepare self-motivated, competent, life-long learners for the 21st century. The Charter School will employ a blend of Montessori methods and direct instruction for remediation to ensure all students gain the knowledge and skills that are valued in the modern world and necessary for future success. The use of Montessori methods will ensure that students in the program develop the ability to learn, not just the ability to memorize a group of facts or dates.

How Learning Best Occurs

The Learning Environment:

The school prioritizes its attention and resources on offering very small class sizes. DMCS offers instruction in traditional, permanent classroom facilities. Classroom are equipped with typical public school equipment, and each teacher has a computer. In many other classrooms, additional technology resources are available to students. No classroom has more than 24 students, and each teacher has a half-time aide; hence the real student-adult ratio for the classrooms is approximately 15:1. While the school does not offer an organized athletics program, it does have a very popular music program. Weekly music lessons are part of each class, and the school also supports a beginning band activity. Students have the state-required minimum minutes of physical education, and the school’s physical education instructor provides varied aerobic, strength, and team sports and activities.

Each year, the staff reviews and recommends to the Board a grade/class configuration for the next year. This review is done with extreme consideration given to student needs, enrollment by grade, and parent input. Generally, DMS offers multi-grade classrooms. For the 2008-09 year, the school had the following configuration:

K-1 (3 classrooms)
2-3 (2 classrooms)
3-4 (2 classrooms)
5-6 (1 classroom)
7-8 (1 classroom)
DMCS expects the lower grade enrollments to be steady as the school has capped Kindergarten enrollment each year at 30 students. Waiting lists, especially for Kindergarten, and in some years, the school can offer enrollment to approximately half of the students interested in enrollment. Growth in enrollment will occur in the upper grades as the original class of students (Kindergarteners in 2005-6) advance each year.

The school offers an Extended Day Program (EDP) that also operates during the summer as a full-time program. EDP is a self-sufficient operation, and the program’s director and aide are considered part of the DMCS staff. Students participating in EDP have a structured (mandatory) homework period (with the staff available to provide assistance), and then structured physical activity periods to ensure that students stay active. Healthy snacks are offered; student attendance is monitored through daily check-in/out sheets. During the summer, students are able to go on local field trips, do extended study and special projects, and have organized physical activities.

**Family Participation:**

Family participation is a cornerstone of DMCS’ education program. Each family is asked to invest a minimum of 40 hours per year in various school activities. This has been a highly successful model to date. Parents are frequently in the classrooms serving as additional support for teachers. In the lower grades, parents often help with small group reading and math lessons; in upper elementary grades, parents more frequently assist with special projects and field trips. Families also have been the backbone of expanding the school’s facilities as needed, organizing the school’s move in 2008, and leading fundraising efforts.

**Student Learning:**

DMCS begins with a basic philosophical foundation derived from Maria Montessori. Maria Montessori’s exploration of student learning in Italy at the beginning of the 20th century resulted in a learning method rooted in observation of how students learn. Montessori education was built by observing how students in abject poverty learned. It is, therefore, not surprising, that Montessori education programs are seen as a way to reach students who do not respond successfully in other learning environments. DMCS particularly welcomes students and their families who arrive at the school in need of an education alternative.

DMCS places a high value on providing students a context to explore and understand their individual responsibilities and place in the world. Therefore, students are exposed to a most comprehensive curriculum that often exceeds California academic standards. In addition to core academic work in language arts and math, DMCS provides a rich experience in visual and performing arts, the social sciences, science, physical education, and career education (practical life).

Student interaction with their community is a critical underpinning of the school. Routine visits to the local public library, combine a healthy field trip (a 15-minute supervised walk from the school), with learning how to use the library, the ecology of renewable public resources, and becoming familiar with local leaders and officials. Students routinely visit local private...
businesses—ranging from veterinarians when studying biology to art galleries when studying California history—to experience life in our small town as it reflects the practical application of what’s learned in the classroom. Students in the grades 3-4 classrooms participate in the Sutter’s Fort authentic overnight experience for California history and 5-6th graders also participate in a week-long environmental education program.

The Learning Environment:

DMCS is organized by several core beliefs about student learning. These include:

- School and the lesson students engage in must have meaning and relevance
- School must connect students to their community
- Students must gain responsibility by directing their work and projects and completing their weekly work plan provided by their teacher
- Students work is performed individually and in groups
- Each students’ work becomes increasingly complex
- Students are supported by teachers, aides, and parents
- Students learn from and help each other
- Student learning is defined by California’s academic content standards

DMCS has established specific classroom structures to facilitate student learning. These include:

- Multi-age/grade classrooms
- Interdisciplinary, project-based learning
- Individual weekly work plans
- Low student/teacher ratio

Learning is an iterative process that requires inputs, assessments, analysis, and adjustments. At DMCS, the school institutionalizes these steps throughout the school year. DMCS employs an annual cycle for student learning that begins with an initial benchmark assessment of where students begin the year. Individual work plans for each student are provided weekly, culminating in a first term report. DMCS uses a standards-based report card as a tool for both student and teacher interim evaluations. DMCS uses the formative assessment tool Scantron Performance Series to provide a comprehensive review of student progress towards mastery of California state standards. Both Montessori and supplemental instructional materials are constantly evaluated as well. Finally, DMCS is committed to the transparent objective that each student will, minimally, make a year’s progress in each of the core areas each academic year.

Highly Qualified and Supported Teachers

The faculty will consist of well-prepared and certified teachers. All teachers, in accordance with Education Code Section 47605(/), will meet the requirements of the No Child Left Behind Act. Professional development and teacher collaboration will be scheduled on a regular and ongoing basis to support teachers throughout their career. In establishing a professional teaching
environment the Charter School will ensure collaborative planning time for teachers to design student focused curriculum, pedagogy and assessment through which students can make connections, and deepen their understanding of concepts and the Charter School at higher levels.

**Attendance Guidelines**

The Charter School will offer the same number of instructional minutes as set forth in Education Code 47612.5(a) for the appropriate grade levels and will operate at least for the required minimum of 175 days. The Charter School shall maintain written contemporaneous records that document all pupil attendance and make these records available for audit and inspection.

**The DMCS Curriculum**

*The DMCS Approach to Instruction:*

It is appropriate in this charter for DMCS to make clear that its instructional program is a reflection of all that the school has learned in its initial years of operating as a Montessori public charter school. DMCS recognizes that student mastery of California’s core academic content standards is the school’s objective. To the extent that various aspects of Montessori education help students achieve that goal, DMCS emphasizes these aspects. However, it also is DMCS’ experience that a hybridized curriculum benefits students in other aspects. DMCS, therefore, has studied and worked to extract the optimal benefits of the Montessori education program; to ensure that students are provided a standards-based curriculum, DMCS also uses standards-based supplemental materials.

DMCS staff approach each academic year working collaboratively within and across their grade-spans to build pacing guides for the entire school year and to ensure complete coverage of each grade/year’s academic content standards.

Many educators, school board members, and parents are familiar with the manner in which current standards based instructional materials build and reinforce concepts lesson over lesson and year over year. The Montessori instructional methodology was among the first to build and describe this so-called scaffolding of concepts. In the Montessori classroom, students in kindergarten may trace and cut out triangles as a practical life lesson that develops motor skills. However, that lesson is also introducing students to future understanding of angles and measurements that will be vital to them in 3rd grade as they tackle geometry.

DMCS is intent on ensuring that its students reach early primary grade (end of grade 3) mastery of reading and basic computation. Montessori curriculum resources are especially rich in mathematics, and DMCS’ meeting of its accountability targets for mathematics is but one indicator of the strength of the program.

*The Instructional Day at DMCS:*

A typical day in a typical classroom at DMCS reveals that several activities are common for all students, while individualized and group instruction is at the center of the student work day. Students spend time each in day in a classroom meeting. There, the day’s activities are
discussed, teacher expectations are made clear, and questions and concerns, if any, from students may be raised. At DMCS, classrooms also focus on a daily reinforcement of language arts and computational skill development through the use of Rocket Math and daily board exercises for language arts. Students spend the majority of classroom time focusing on their weekly work plan.

Teachers and aides provide individualized instruction (or small group) during this time. Each student has an extensive log of observations, written work, and weekly assessments analyzed by the teacher. Additionally, students at DMCS receive a weekly homework packet on Monday, customized for their current progress. The homework is turned in on Friday morning.

Teachers provide very clear direction for each student’s work, and evaluation is frequent and specific. Teacher observation guides next steps for each student; at times this is an individual lesson plan to refine or explain a concept; other times, it is a group lesson to introduce the next chapter or sequence of work.

Teachers review each Wednesday during their common planning time (usually lasting 2-3 hours) lessons, materials, idea, challenges, and best practices. DMCS has used the common planning time for teachers to create a common, hybridized curriculum.

In the multi-age/grade classroom, older students often provide instruction to younger students as well. The classroom teachers monitor student-based instruction to ensure that more advanced students are able to communicate concepts and principles to others. These written and oral presentations by students are among the indicators of when a student has mastered a concept to the point of proficiency.

Teachers are expected to translate all classroom work into progress on California’s core content academic standards. DMCS emphasizes standards-based report cards rather than a Montessori report card so that parents have a clear, transparent understanding of their student’s standing and progress.

**Defining Montessori at DMCS:**

DMCS defines Montessori education as having three distinct elements to it. These are:

1. **Skills that provide access to learning.** Montessori education is the original multimedia curriculum. Montessori curriculum emphasizes the use of materials and tools that unleash and engage students’ natural curiosity. In this vein, Montessori reinforces in students their innate capacity as learners and brings to each student methods to systematize, organize, and adapt learning regardless of the environment students find themselves in. At DMCS, it is the specific objective for each student to gain learning skills that allow for each student to be independent, analytical, flexible, creative, and insightful. When students gain these learning skills, they can learn in any classroom, with any teacher, using any materials.
2. Montessori is also a unique and comprehensive instructional methodology. Montessori’s instructional methodology uses self-motivation as a centerpiece of learning. In a classroom rich with materials in various media, students at DMCS can choose any number of activities in a content area. This is a purposeful structure at DMCS, designed to ensure that students have many access points into curriculum content.

Montessori curriculum materials are at the cornerstone of this approach. As DMCS has added classrooms, the school administration has worked with each teacher to build a customized classroom filled with Montessori materials and supported by additional materials. Montessori materials are specifically designed to provide interest, access, and curiosity to students. The materials are used for assignments (jobs) in the areas of:

- Language arts (reading and writing)
- Math (including geometry)
- History
- Geography
- Science (including Biology, Botany, Zoology, Astronomy)
- Visual Arts

Given access to a broad array of materials, environments, and the expectation that students will succeed when they work at their own pace, Montessori provides a forum in which students can develop, refine, and explore interests in and across many disciplines.

3. Finally, Montessori is also seen as a wholly-contained curriculum, with content coverage of all major areas. Through observation and evaluation, DMCS has identified areas in which the content coverage of the Montessori curriculum is fully aligned with California’s standards. In some areas, the content exceeds California state standards; DMCS generally regards Montessori mathematics content to be especially strong.

More importantly, DMCS has determined that it’s critical for its staff, students, parents, and community supporters to understand that as a California public school, student mastery of the Montessori curriculum content is not the academic focus at DMCS. The school’s focus is for students to achieve mastery of California’s academic content standards. With this in mind, DMCS teachers provide greater oversight, performance evaluation, and direct support with supplemental materials than would be found in the most traditional Montessori classroom.

The DMCS Curriculum, Grades K-8:

DMCS staff has created and can communicate with precision, justification, and coherence the overall curriculum provided to students in each grade. The curriculum is an integration of a core level Montessori program with standards-based supplemental materials. DMCS teachers are conversant in and committed to providing instruction that ensures DMCS students receive a standards-based curriculum.
What follows is a statement of principles and general overview of the DMCS curriculum for each grade. Each grade-level sequence was developed and refined by DMCS staff to ensure that all standards are covered during the year. While many of the standards are taught using Montessori materials, others are taught using supplemental, standards-based materials.

**Kindergarten**

In Kindergarten, students are expected to make at least one year of measured progress in addition to mastering the California state academic content standards.

As a general statement, Kindergarten is treated in the Montessori education program as both a pre-elementary (ages 3-6) and early elementary (ages 6-9) course of study. Children at this age have absorbent minds; classroom materials should be concrete and assist students in moving at their own pace to a more abstract learning environment.

In addition to the Montessori instructional materials used in the Kindergarten classroom, DMCS uses many supplemental materials. For each, DMCS have identified the academic standards coverage they for which they provide additional coverage and focus. For example, the materials listed below are used at DMCS in a systematic approach to standards-based instruction. Among the materials used in the kindergarten classroom are:

- **SRA Reading**—Word Analysis, Fluency, and Systematic Vocabulary Development; Reading Comprehension, Literary Response and Analysis.
- **Explode the Code**—Word Analysis, Fluency, and Systematic Development; Reading Comprehension; Writing Strategies
- **Evan-Moor Spelling Program**—Writing Strategies; Written and Oral English Language Conventions
- **Zoo Phonics**—Concepts of Print; Phonemic Awareness; Decoding and Word Recognition
- **DRA**—Word Analysis, Fluency, and Systematic Vocabulary Development; Reading Comprehension; Literary Response and Analysis
- **Spectrum Test Prep (Language)**—Word Analysis, Fluency, and Systematic Vocabulary Development; Reading Comprehension; Literary Response and Analysis; Writing Strategies; Written and Oral Language Conventions; Listening and Speaking Strategies
- **Spectrum Test Prep (Math)**—Number Sense; Algebra and Functions; Measurement and Geometry; Statistics, Data Analysis, and Probability; Mathematical Reasoning
- **Rocket Math**—Number Sense

**First Grade**
In first grade students are expected to make at least one year of measured academic progress and to achieve mastery of California’s first grade academic content standards.

At DMCS the Montessori philosophy for first graders emphasizes student capacity for order, concentration, coordination and independence. Teachers work with the children as individuals to create work plans that reflect the interaction of their current progress, state standards goals, and materials to elicit optimal learning environments.

For first grade, a priority is student understanding through hands-on learning. The Montessori-prepared environment is meant to engage all kinds of learners and invite students into lessons that will enhance their intellectual understanding of the world around them. An important aspect of the prepared environment is that of indirect preparation for future learning. The indirect preparation of academic concepts makes learning a joyful experience. Early, indirect exposure makes material less foreign, so that direct presentations of new concepts are more easily discovered independently. It makes the “a-ha moment” a more frequently experienced event.

Also important in the first grade classroom are a mixed age group and a three-hour work period. The mixed age group is important in fostering independence and confidence in oneself and respect and empathy for different kinds of people. Keeping the same teacher over the course of two or more years is important in the development of trust in the student and continuity across grade levels as students grow and change. The three-hour work period is important in helping develop concentration over longer periods of time so that a deeper understanding of materials may be obtained.

In language arts, first grade is an exploration of:

- Short and long vowels (reading, writing, listening)
- Fluency and accuracy in reading and writing
- Handwriting (print/D’Nelian) and cursive
- Reading and listening comprehension
- Concepts of print
- Speaking conventions
- Describing things in detail using the senses
- Spelling
- Rhyming
- Writing strategies
- Introductory grammar in writing
- Grammar accuracy in speaking

In addition to the Montessori instructional materials, DMCS first grade teachers also use the following materials to ensure complete and supplemental coverage of the state’s academic standards and content domains previously identified:

- Bob Books
- Houghton Mifflin, *Invitations to Literacy*
- Selected McGraw-Hill *Open Court* reading materials
• SRA reading materials

In math, teachers focus on the following curriculum areas:

• Surveys and graphing
• Number recognition to 1,000’s place
• Place value
• Addition and subtraction with and without regrouping
• Measurement with standard and non-standard units
• Weight, volume, and capacity
• Concepts of time (especially telling time to the minute and calendar skills)
• Money (quarter, nickel, dime and penny)
• 2-D and 3-D objects and their elements (names, faces, vertices, equivalency, congruency and similarity/dissimilarity).

Montessori materials in mathematics are particularly strong in these early grades. Therefore, DMCS teachers supplement with:

• Rocket Math
• Spectrum Test Prep Math

In science, DMCS first grade curriculum focuses on:

• Matter and its 3 phases
• Properties of air
• Introductory physics concepts
• Elements of water including surface tension, its properties and the water cycle
• The senses
• Animals, their parts, coverings, food and babies; lifecycles and animal/insect growth
• Plant and Earth resources
• Plant parts and lifecycle
• Concepts of sink and float
• Recycling, reducing and reusing
• Composting
• The seasons
• Weather
• How people use plants and animals
• Living and non-living
• Landforms
• Biomes
• Map making
• Globes and astronomy
• Seeds
• Magnetism
• Color mixing

In addition to the Montessori instructional materials, DMCS teachers use the following materials to ensure full access to California’s academic content standards:

• McGraw-Hill botany charts
• Harcourt Science
• Annual field trip to UC Davis Children’s Garden
• Lakeshore models Sun and Earth
• Science Experiments for Young Learners

In Social Science, the DMCS first grade curriculum focuses on:

• Structured and thematic exploration of: continents, countries, biomes, and culture
• Leonardo da Vinci and other social/ historical figures in and out of the U.S
• Celebrating local holidays
• Foreign holidays and celebrations
• Understanding globes, maps, compass, and directions
• Daily Pledge of Allegiance
• National symbols

In addition to the Montessori instructional materials, DMCS teachers ensure coverage of the social science academic content standards with the following supplemental materials:

• Harcourt Brace selected social studies materials
• American Legion classroom visits/presentations
• Dixon Public Library field trips
• Mock elections
• Cultural celebrations for classroom and families

**Second Grade**

In second grade, DMCS students are expected to make at least one year of measured academic progress and to achieve mastery of California standards in each content area.

**Language Arts**

In language arts, grammar, story-writing and reports are the focus. Grammar is taught with hands-on materials; student work covers nouns, verbs, adjectives, articles, prepositions, adverbs, conjunctions, pronouns, and interjections. Student use grammar symbols that represent each part of speech. The symbols are placed over the particular parts of speech in sentences and paragraphs. Students learn direct and indirect objects within sentences and begin the process of sentence deconstruction and analysis. They write paragraphs and reports linked to our social studies, science, and math curriculum.

**Math**
In math, students are expected to make a transition from understanding basic facts to more abstract concepts. Students utilize the Montessori bead cabinet, which contains chains, blocks, and other manipulatives that represent numbers and place value. Students then move to color-coded materials that reinforce this place value. By the middle of the year students are doing computations completely in the abstract. They also have begun doing single and double digit multiplication and division using these basic materials. The materials themselves allow us to show concepts that involve algebra, squaring, cubing, and algorithms. It is particularly exciting that in math, the DMCS curriculum allows students to reach far beyond the standards for the second grade.

**Social Science and Science**

In second grade, students learn how they fit into time and space, specifically how things are now as apposed to long ago. Because the Montessori curriculum is unusually rich and comprehensive, students study units that include but are not limited to: botany, zoology, geography, geology, history, foreign language, cultural studies. The DMCS second grade curriculum is designed to link study of diverse content through math and language arts to build connections among subjects. These units usually culminate with a project, report, or field trip.

The DMCS science and social science curriculum for second grade merits specific discussion. Students begin with a focus on the Big Bang itself. Montessori curriculum provides a very clear and well sequenced series of lessons, utilizing timelines, science experiments, and historical reenactments to bring students from the beginning of time up to the present day. Students learn about the formation of Earth, the beginnings of life on our planet, the geologic movements of the continents, and the history of humans on our planet. Students also research their own family histories and the history of our local community. Each unit is designed to help students achieve a greater understanding of who and where they are in the context of history.

The DMCS second grade curriculum also ensures that students appreciate the wonder and beauty of the natural world and also the historic accomplishments of humanity. Students develop a sense of their own place in the universe, their individual responsibility, and their potential to enhance both the natural and cultural environment in which they live. Their studies of nature and people emphasize the tremendous diversity that abounds in the world, which ultimately leads also to an attitude of tolerance and respect.

For second grade, DMCS supplemental materials help students become familiar with the California Standards Tests format, and give extra practice in all areas. They link directly to the California State Standards for the 2nd grade, and allow direct instruction as well as independent practice time for students. Following is a matrix of the supplemental materials and a brief synopsis of how each is used.

<table>
<thead>
<tr>
<th>Supplementary Material</th>
<th>Classroom Use</th>
<th>California State Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>SRA</td>
<td>Strengthens reading comprehension and practice with testing format</td>
<td>Reading/Comprehension 1.0, 2.0, 3.0</td>
</tr>
<tr>
<td>Rocket Math (Otter Creek)</td>
<td>Helps students reach automaticity with their math facts. Students finish addition,</td>
<td>Math (number sense) 2.0, 3.0</td>
</tr>
</tbody>
</table>
and subtraction books (many also begin/finish multiplication and division)

<table>
<thead>
<tr>
<th>Words Their Way</th>
<th>Comprehensive spelling and language development program to improve word knowledge and assessment tools for appropriate instruction</th>
<th>Writing 1.7, 1.8 Reading 1.0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board Math</td>
<td>Help students practice testing questions orally to reinforce learning</td>
<td>Math All standards</td>
</tr>
<tr>
<td>Board Language</td>
<td>Help students practice testing questions orally to reinforce learning</td>
<td>Language All standards</td>
</tr>
<tr>
<td>Houghton Mifflin Math units and worksheets</td>
<td>Give students extra practice during class and at home with Math concepts</td>
<td>Math All standards</td>
</tr>
<tr>
<td>Take-it-to-your seat vocabulary centers</td>
<td>Opportunity for independent practice with homophones, synonyms, and other challenging vocabulary</td>
<td>Reading/Vocabulary 1.7, 1.8, 1.9</td>
</tr>
<tr>
<td>Daily Language Review</td>
<td>Students practice language skills and math skills on a daily basis in a variety of areas to strengthen their knowledge base and become familiar with the testing language and format</td>
<td>Language All standards Math All standards</td>
</tr>
<tr>
<td>Daily Academic Vocabulary Daily Word Problems Daily Paragraph Editing Daily Handwriting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Curriculum Associates Benchmark Testing</td>
<td>Students complete tests in Language Arts and Math each trimester to see growth over time, and help drive our instruction.</td>
<td>Language All standards Math All standards</td>
</tr>
<tr>
<td>Spectrum Test Prep Books: Math and Language</td>
<td>Extra practice with standards based testing, and an assessment tool</td>
<td>All standards</td>
</tr>
</tbody>
</table>

**Third Grade**

In third grade, students are expected to make one year of measured progress and to achieve mastery of the California state standards.

Students continue their transition from concrete knowledge to abstract reasoning and application of that reasoning. Students begin the year learning standards such as parts of speech or multiplication with concrete materials and by the end of the year will be able to complete these activities without materials. They learn how to utilize the materials for more in-depth learning.
In Language Arts, third graders read grade level texts with appropriate fluency, accuracy, and comprehension. They think critically about what they have read and distinguish various types of literature. In writing, students compose a comprehensive paragraph with proper grade level punctuation. To meet these goals, students use Montessori materials and supplemental materials (see table below). The Montessori philosophy is especially strong in developing grammar skills. Each part of speech correlates with a grammar symbol, which students use to diagram the parts of speech in a sentence. The farm allows students to use concrete materials to practice parts of speech and is especially valuable for ELL students. All Montessori materials are incorporated into the work period and used as students are ready for lessons.

Supplemental materials are used to enhance writing and reading instruction. Writer’s Workshop, Words Their Way Spelling, and reading groups occur weekly during the work period. Students are required to complete three to four SRAs a week independently. The L.A. centers are used as needed during the work period. Daily, students participate in Silent Sustained Reading (a time when many read books for Battle of the Books) and read alouds.

<table>
<thead>
<tr>
<th>Montessori Materials</th>
<th>Supplemental Materials</th>
</tr>
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<tbody>
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<td>Sentence Analysis and Diagramming</td>
<td>Writer’s Workshop</td>
</tr>
<tr>
<td>Grammar Boxes (parts of speech)</td>
<td>Words Their Way (spelling program)</td>
</tr>
<tr>
<td>Green Material (digraphs, word families)</td>
<td>SRA Reading Laboratory by McGraw-Hill</td>
</tr>
<tr>
<td>Cursive Sandpaper Letters</td>
<td>Battle of the Books Program</td>
</tr>
<tr>
<td>The Farm</td>
<td>Language Arts Centers by Lakeshore</td>
</tr>
<tr>
<td>Grammar Symbols</td>
<td>Language Arts Centers by Evan Moore</td>
</tr>
<tr>
<td></td>
<td>Read Aloud of grade level texts</td>
</tr>
<tr>
<td></td>
<td>Daily Silent Sustained Reading (SSR)</td>
</tr>
<tr>
<td></td>
<td>Weekly Reading Groups</td>
</tr>
<tr>
<td></td>
<td>Spectrum Test Prep</td>
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<td></td>
<td>STAR Released Questions</td>
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</tbody>
</table>

In Math, students learn math facts in multiplication and division and use those skills to solve word problems that require critical thinking. Third graders begin to use symbols in algebra and in geometry they study measurement, geometric figures and angles. They learn how to express probability. The Montessori materials allow students to begin learning these concepts concretely. Students learn to multiply with the unit multiplication board, but practice this skill abstractly daily with the Rocket Math program. When analyzing the chart below, the breath of Montessori materials is obvious. For many of the materials, students have been using them since kindergarten. Now they are learning the in-depth mathematical reasoning behind each material. For example, they began to use the bead cabinet for skip counting, and now they use it for multiplication. Later they learn how to use it for squaring and cubing. They learned how to add and subtract on the large bead frame (similar to an abacus), and now they will learn how to compute multi-digit multiplication problems on it. Through the sequential order of Montessori, students are making natural progressions in Math with concrete materials.

Even though the Montessori Math materials are especially strong, DMCS has supplemented our program with various materials. Students use the Rocket Math Facts Program daily to learn Math facts, an essential goal in third grade. The *Mathematics* text by Houghton Mifflin provides
students with a variety of grade level problems to solve across the various standards while working in class. The Houghton Mifflin online Math resources are utilized primarily in students’ weekly homework packets. Homework assignments vary by students’ status and progress towards proficiency.

<table>
<thead>
<tr>
<th>Montessori Materials</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Unit Multiplication and Division Board</td>
<td><em>Mathematics</em> Houghton Mifflin text 2002</td>
</tr>
<tr>
<td>Multiplication and Division Working Charts</td>
<td>Houghton Mifflin online resources</td>
</tr>
<tr>
<td>Stamp Game</td>
<td>Rocket Math Facts Program</td>
</tr>
<tr>
<td>Negative Snake Game</td>
<td>Math Centers by Lakeshore</td>
</tr>
<tr>
<td>Pythagoras Board</td>
<td>Math Centers by Evan Moore</td>
</tr>
<tr>
<td>Elementary Banker Game</td>
<td>Teacher Created Materials</td>
</tr>
<tr>
<td>Fraction Insets</td>
<td>Spectrum Test Prep</td>
</tr>
<tr>
<td>Long Division Materials</td>
<td></td>
</tr>
<tr>
<td>Detective Game (a game of triangles &amp; angles)</td>
<td></td>
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<tr>
<td>Large Bead Frame</td>
<td></td>
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<tr>
<td>Bead Cabinet</td>
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</tr>
<tr>
<td>Geometry Cabinet</td>
<td></td>
</tr>
<tr>
<td>Four Triangle Boxes</td>
<td></td>
</tr>
<tr>
<td>Decimal Board</td>
<td></td>
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<tr>
<td>Area Material</td>
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</tr>
</tbody>
</table>

In Social Studies, third graders study their community and change. Though Montessori does not have specific materials to meet all these standards, lessons embrace the Montessori philosophy of active, hands-on learning. When studying history, Montessori asks students to consider the fundamental human needs (shelter, food, climate, values, resources) for people in a specific location and during a specific time period. Students examine how humans act to meet these needs. For instance, when students study Native American tribes like the Patwins, who used to live in this area, they consider how they met their fundamental needs. What shelter did they have? What foods did they eat? Why? Students explore these types of questions in research reports. Students read *From Sea to Shining Sea* and other expository texts to help answer such questions. Many lessons are enhanced through teachers’ thoughtful lesson plans and additional materials.

<table>
<thead>
<tr>
<th>Montessori Materials</th>
<th>Supplemental Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Forms</td>
<td>Dixon &amp; Solano History Binder</td>
</tr>
<tr>
<td>Maps Cabinet</td>
<td>Research Reports</td>
</tr>
<tr>
<td>Control Charts for Maps</td>
<td>Fieldtrips</td>
</tr>
<tr>
<td>Pin Poking/Creation of Maps</td>
<td><em>From Sea to Shining Sea</em> Houghton Mifflin</td>
</tr>
<tr>
<td></td>
<td>Expository Texts</td>
</tr>
<tr>
<td></td>
<td>Teacher Created Materials</td>
</tr>
</tbody>
</table>

In Science, students study matter & energy, light, adaptations, habitats, and astronomy. Montessori encourages investigative learning, and that is the focus of scientific inquiry at DMCS. When learning an aspect of science students often begin with experiments to allow for
self discovery. Many of these are from purchased science kits or are teacher created. Students explore these concepts further in lessons or in research reports. Student field trips are integral to third grade science, and DMCS students go to the Davis Explorit Science Center, the Yolo Basin Wetlands, and the Monterey Bay Aquarium.

### Fourth Grade

In fourth grade, DMCS students are expected to make at least one year of measured academic progress and to achieve mastery of the California academic content standards. DMCS students at the fourth grade level continue their transition from concrete concepts abstract inquiry and reasoning. They continue utilizing Montessori materials for more in-depth learning.

In Language Arts, fourth graders read grade level narrative and expository texts with appropriate fluency, accuracy, and comprehension. Students think critically about what they have read, use appropriate reading strategies and distinguish the structural features of literature. In writing, students create coherent, multiple-paragraph compositions with proper grade level punctuation in various genres. Students edit and revise their own work.

To meet these learning objectives, DMCS fourth graders use Montessori materials and supplemental materials (see table below). The Montessori curriculum is especially strong in developing grammar skills. Each part of speech correlates with a grammar symbol, which students use to diagram the parts of speech in a sentence. All Montessori materials are incorporated into the work period and used as students are ready for lessons.

Supplemental materials are used to enhance writing and reading instruction. Writer’s Workshop, Words Their Way Spelling, and reading groups occur weekly during the work period. Fourth graders use the writing lessons outlined in *10 Easy Writing Lessons* to target multiple paragraph compositions. Students are required to complete three to four SRAs per week independently. The language arts centers are used as needed during the work period. Daily, students participate in Silent Sustained Reading (a time when many read books for Battle of the Books) and classroom “read-alouds.”

<table>
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</tr>
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<td>Green Material (digraphs, word families)</td>
<td>SRA Reading Laboratory by McGraw-Hill</td>
</tr>
<tr>
<td>Cursive Sandpaper Letters</td>
<td>Battle of the Books Program</td>
</tr>
<tr>
<td>The Farm</td>
<td>Language Arts Centers by Lakeshore</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Grammar Symbols</th>
<th>Language Arts Centers by Evan Moore</th>
</tr>
</thead>
<tbody>
<tr>
<td>Read Aloud of grade level texts</td>
<td></td>
</tr>
<tr>
<td>Daily Silent Sustained Reading (SSR)</td>
<td></td>
</tr>
<tr>
<td>Weekly Reading Groups</td>
<td></td>
</tr>
<tr>
<td>Spectrum Test Prep</td>
<td></td>
</tr>
<tr>
<td>STAR Released Test Questions</td>
<td></td>
</tr>
<tr>
<td><em>10 Easy Writing Lessons That Get Kids Ready for Writing Assessments</em> by Mary Rose, Scholastic ©1999</td>
<td></td>
</tr>
</tbody>
</table>

In Math, students utilize their math facts knowledge for multiple-digit multiplication and long division problems; those skills are then used to solve word problems that require critical thinking. In algebra, fourth graders use variables to solve simple computations that include parentheses. In geometry students solve complex perimeter and area problems, graph on coordinate grids, and study geometric objects. In statistics, students organize, represent, and interpret data as well make predictions in probability.

Students use Montessori to learn these concepts concretely. For example, students learn to divide on the long division material before solving it abstractly on paper. Students begin multiple-digit multiplication on the checker board and decimals on the decimal checker board. Students use the Montessori sequence of materials to ensure they have the necessary skills before moving onto a new concept.

Even though the Montessori Math materials are especially strong, we have supplemented our program with various materials. We use the Rocket Math Facts Program daily to help our students learn and maintain their Math facts. The Houghton Mifflin online Math resources are utilized primarily in students’ weekly homework packets. Homework assignments vary by students’ status and progress towards academic proficiency. The Math centers in our classrooms are utilized during different units, such as a probability unit. We use the Spectrum Test Prep as an informal assessment after completing a standard. The STAR released questions are used in class as review. DMCS teachers have adapted released STAR test items to create word problems for students to do in class.

<table>
<thead>
<tr>
<th>Montessori Materials</th>
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</thead>
<tbody>
<tr>
<td>Unit Multiplication and Division Board</td>
<td>Houghton Mifflin online resources</td>
</tr>
<tr>
<td>Multiplication and Division Working Charts</td>
<td>Rocket Math Facts Program</td>
</tr>
<tr>
<td>Stamp Game</td>
<td>Math Centers by Lakeshore</td>
</tr>
<tr>
<td>Negative Number Line</td>
<td>Math Centers by Evan Moore</td>
</tr>
<tr>
<td>Pythagoras Board</td>
<td>Teacher Created Materials</td>
</tr>
<tr>
<td>Box of Sticks (geometry)</td>
<td>Spectrum Test Prep</td>
</tr>
<tr>
<td>Fraction Insets</td>
<td>STAR Released Test Questions</td>
</tr>
<tr>
<td>Long Division Materials</td>
<td></td>
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<tr>
<td>Detective Game (a game of triangles &amp; angles)</td>
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<tr>
<td>Large Bead Frame</td>
<td></td>
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<tr>
<td>Bead Cabinet</td>
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</tbody>
</table>

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In Social Studies, fourth graders study changes in California. Though Montessori does not have specific materials to meet all these standards, DMCS teachers create learning experiences that follow Montessori’s emphasis on student centered learning. When studying history, students examine how different populations in California met their fundamental human needs. For example, when studying missions students explore the differences between the ways Native Americans and Spaniards met their fundamental needs. Students explore these types of questions in research reports.

Students read *California Adventures in Time and Place* and other expository texts to help answer such questions. The most important unit for fourth graders at DMCS is on pioneers because students participate in the Sutter’s Fort Environmental Living Program. This is not only a fieldtrip where students participate in daily activities of pioneers (such as candle making, baking, basket weaving, carpentry, weaving, etc.) at Sutter’s Fort, but a learning experience that requires enormous preparation in the classroom. Students study pioneer life in class. They adopt the persona of a character from that time period, people like John Sutter and James Marshall. Students research their character so they can write a report and give an oral presentation. In addition, students wear a period accurate costume when giving their presentation and when at the fort. The social studies curriculum is as interactive as possible.

<table>
<thead>
<tr>
<th>Montessori Materials</th>
<th>Supplemental Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maps Cabinet</td>
<td>California Missions Simulation by interact</td>
</tr>
<tr>
<td>Control Charts for Maps</td>
<td>California Gold Rush Simulation by interact</td>
</tr>
<tr>
<td>Pin Poking/Creation of Maps</td>
<td>Expository Texts</td>
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<td></td>
<td>Teacher Created Materials</td>
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<tr>
<td></td>
<td>Fieldtrips</td>
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<tr>
<td></td>
<td>Sutter’s Fort Environmental Living Program</td>
</tr>
</tbody>
</table>

In Science, fourth grade students study electricity & magnetism, organisms’ needs for life and survival, rocks & minerals, and weather’s affect on Earth’s land. Montessori encourages investigative learning, and students conduct experiments to allow for self discovery. Many experiments are from purchased science kits or are teacher created. As one example, when studying rocks & minerals students use the Rocks & Minerals kit by Learning Resources to conduct an experiment to test the hardness of various minerals. Students then made their own scale after testing various minerals and then compared it to the Mohs scale of mineral hardness. Through research reports, students further explore grade level standards. Students also go on
several science-related fieldtrips like the Explorit Science Center, the Yolo Basin Wetlands, and the Monterey Bay Aquarium.

<table>
<thead>
<tr>
<th>Montessori Materials</th>
<th>Supplemental Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>The 5 Great Lessons (creation of universe)</td>
<td>Science kits from Learning Resources</td>
</tr>
<tr>
<td>Experiments</td>
<td></td>
</tr>
<tr>
<td>Expository Texts</td>
<td></td>
</tr>
<tr>
<td>Fieldtrips</td>
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<tr>
<td>Research Reports</td>
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</tbody>
</table>

**Fifth Grade**

At DMCS fifth grade students are expected to make at least one year of measured progress and achieve mastery of California's academic content standards.

DMCS provides a curriculum that integrates deeply Montessori and supplemental materials. Students learn increasingly abstract materials and prepare to undertake increasingly independent investigations.

For fifth grade, DMCS embeds in narrative form the state learning expectations and how and where the Montessori curriculum builds on the state standards.

**Math**

**California State Standards**

By the end of grade five, students increase their facility with the four basic arithmetic operations applied to fractions, decimals, and positive and negative numbers. They know and use common measuring units to determine length and area and know and use formulas to determine the volume of simple geometric figures. Students know the concept of angle measurement and use a protractor and compass to solve problems. They use grids, tables, graphs, and charts to record and analyze data.

**Montessori Grade Level Content**

In addition to the mastery of grade level state standards, students master grade level content of the Montessori curriculum for Mathematics and Geometry. Students master addition, subtraction, multiplication, and division of positive and negative integers. Students master addition, subtraction, multiplication, and division of fractions. Students understand mixed numbers. Students learn how to compute the area of a trapezoid, rhombus, pentagon, and decagon. Students are introduced to the problem of finding square and cube roots.

**ELA**

**California State Standards**
Students use their knowledge of word origins and word relationships, as well as historical and literary context clues, to determine the meaning of specialized vocabulary and to understand the precise meaning of grade-level-appropriate words.

Students read and understand grade-level-appropriate material. They describe and connect the essential ideas, arguments, and perspectives of the text by using their knowledge of text structure, organization, and purpose. The selections in Recommended Literature, Kindergarten Through Grade Twelve illustrate the quality and complexity of the materials to be read by students. In addition, by grade eight, students read one million words annually on their own, including a good representation of grade-level-appropriate narrative and expository text (e.g., classic and contemporary literature, magazines, newspapers, online information). In grade five, students make progress toward this goal.

Students read and respond to historically or culturally significant works of literature. They begin to find ways to clarify the ideas and make connections between literary works. The selections in Recommended Literature, Kindergarten Through Grade Twelve illustrate the quality and complexity of the materials to be read by students.

Students write clear, coherent, and focused essays. The writing exhibits the students’ awareness of the audience and purpose. Essays contain formal introductions, supporting evidence, and conclusions. Students progress through the stages of the writing process as needed.

Students write narrative, expository, persuasive, and descriptive texts of at least 500 to 700 words in each genre. Student writing demonstrates a command of standard American English and the research, organizational, and drafting strategies outlined in Writing Standard 1.0.

Students write and speak with a command of standard English conventions appropriate to this grade level.

Students deliver focused, coherent presentations that convey ideas clearly and relate to the background and interests of the audience. They evaluate the content of oral communication.

Students deliver well-organized formal presentations employing traditional rhetorical strategies (e.g., narration, exposition, persuasion, description). Student speaking demonstrates a command of standard American English and the organizational and delivery strategies outlined in Listening and Speaking Standard 1.0.

**Montessori Grade Level Content**

In addition to the mastery of grade level state standards, students master grade level content of the Montessori curriculum for English-Language Arts. In the upper elementary classroom, there is an emphasis on independent and group research. Students in the fifth grade continue developing strong research skills. Fifth grade students routinely compose research essays on grade level standards based content (e.g., American History prior to 1850, periodic table of elements.) Students in the fifth grade continue to master the various writing formats of
paragraphs and essays. All students in the fifth grade participate in the Junior Great Books Program.

**History & Social Science**

**California State Standards**

Students in grade five study the development of the nation up to 1850, with an emphasis on the people who were already here, when and from where others arrived, and why they came. Students learn about the colonial government founded on Judeo-Christian principles, the ideals of the Enlightenment, and the English traditions of self-government. They recognize that ours is a nation that has a constitution that derives its power from the people, that has gone through a revolution, that once sanctioned slavery, that experienced conflict over land with the original inhabitants, and that experienced a westward movement that took its people across the continent. Studying the cause, course, and consequences of the early explorations through the War for Independence and western expansion is central to students’ fundamental understanding of how the principles of the American republic form the basis of a pluralistic society in which individual rights are secured.

**Montessori Grade Level Content**

Students in a Montessori classroom are introduced to historical topics from a more general point of view. Students are introduced to more specific topics once they have an academically appropriate context for more specific topics. In this way, the Montessori History and Social Science curriculum is used to support the academic learning of the state standards in this content area. Students at each grade level are given the five Great Lessons of the Montessori curriculum at the beginning of each year. Each year, students review the big picture and more completely integrate their learning of new specifics with what they have learned in the past. California history is presented to the student in the greater context of the history of the nation, civilization, the Earth, and even the Universe.

**Science**

**California State Standards**

Students in grade five will learn about chemical reactions and discover the special (and shared) properties of metallic elements. They will clearly distinguish between molecules and atoms and chemical compounds and mixtures and learn about the organization of atoms on the periodic table of the elements. They can then be shown how particular chemical reactions (e.g., photosynthesis and respiration) drive the physiological processes of living cells. They will add to what they have learned in previous grade levels about the external characteristics and adaptations of plants and animals and learn about some of the fundamental principles of physiology. They will learn about blood circulation and respiration in humans; digestion of food and collection and excretion of wastes in animals; the movement of water and minerals from the roots of plants to the leaves; and the transport of sugar generated during photosynthesis from the leaves to the other parts of the plant.
Students in grade five also study the hydrologic cycle (water cycle), the process by which water moves between the land and the oceans. They will learn how the hydrologic cycle influences the distribution of weather-related precipitation and, as a consequence, the types and rates of erosion. They will also study the solar system and learn that it contains asteroids and comets in addition to the Sun, planets, and moons. They will learn the composition of the Sun and the relationship between gravity and planetary orbits.

**Montessori Grade Level Content**

As is the case with the History and Social Science curriculum, the Montessori curriculum in Science is used explicitly to support the academic learning of the state content standards in this area. Students are introduced to the Solar System through a lesson on theories of the origin of the Universe. Chemistry is also introduced through the lesson on theories of the origin of the Universe as well as chemistry’s relation to physical science and biology. Students in a Montessori classroom approach their studies of the hydrologic cycle through a study of the history of the Earth and its formation.

**Sixth Grade**

DMCS students are expected to make at least one year measured progress and achieve mastery of California’s academic content standards.

DMCS provides a curriculum that integrates deeply Montessori and supplemental materials.

Students learn increasingly abstract materials and prepare to undertake increasingly independent investigations.

For sixth grade, DMCS has embedded in narrative form the state learning expectations and how and where the Montessori curriculum builds on the state standards.

**Math**

**California State Standards**

*By the end of grade six, students have mastered the four arithmetic operations with whole numbers, positive fractions, positive decimals, and positive and negative integers; they accurately compute and solve problems. They apply their knowledge to statistics and probability. Students understand the concepts of mean, median, and mode of data sets and how to calculate the range. They analyze data and sampling processes for possible bias and misleading conclusions; they use addition and multiplication of fractions routinely to calculate the probabilities for compound events. Students conceptually understand and work with ratios and proportions; they compute percentages (e.g., tax, tips, interest). Students know about π and the formulas for the circumference and area of a circle. They use letters for numbers in formulas involving geometric shapes and in ratios to represent an unknown part of an expression. They solve one-step linear equations.*
Montessori Grade Level Content

In addition to the mastery of grade level state standards, students master grade level content of the Montessori curriculum for Mathematics and Geometry. Students learn how to compute the square and cube roots of six digit numbers. Students learn to square and cube polynomials. They understand how to factor polynomials. Students are introduced to non-decimal based number systems. Equivalence between solids (prisms with difference bases.)

ELA

California State Standards

Students use their knowledge of word origins and word relationships, as well as historical and literary context clues, to determine the meaning of specialized vocabulary and to understand the precise meaning of grade-level-appropriate words.

Students read and understand grade-level-appropriate material. They describe and connect the essential ideas, arguments, and perspectives of the text by using their knowledge of text structure, organization, and purpose. The selections in Recommended Literature, Kindergarten Through Grade Twelve illustrate the quality and complexity of the materials to be read by students. Students read a good representation of grade level appropriate narrative and expository text (e.g., classic and contemporary literature, magazines, newspapers, online information).

Students read and respond to historically or culturally significant works of literature that reflect and enhance their studies of history and social science. They clarify the ideas and connect them to other literary works. The selections in Recommended Literature, Kindergarten Through Grade Twelve illustrate the quality and complexity of the materials to be read by students.

Students write clear, coherent, and focused essays. The writing exhibits students’ awareness of the audience and purpose. Essays contain formal introductions, supporting evidence, and conclusions. Students progress through the stages of the writing process as needed.

Students write narrative, expository, persuasive, and descriptive texts of at least 500 to 700 words in each genre. Student writing demonstrates a command of standard American English and the research, organizational, and drafting strategies outlined in Writing Standard 1.0.

Students write and speak with a command of standard English conventions appropriate to this grade level.

Students deliver focused, coherent presentations that convey ideas clearly and relate to the background and interests of the audience. They evaluate the content of oral communication.
Students deliver well-organized formal presentations employing traditional rhetorical strategies (e.g., narration, exposition, persuasion, description). Student speaking demonstrates a command of standard American English and the organizational and delivery strategies outlined in Listening and Speaking Standard 1.0.

**Montessori Grade Level Content**

In addition to the mastery of grade level state standards, students master grade level content of the Montessori curriculum for the English-Language Arts. Students have knowledge of the historical origin of writing and the stages of development through time. Students understand the differences between scripts composed of pictographs and ideograms, syllabary scripts, and alphabets. Students create their own system of pictographs, as well as a syllabary script and alphabet based off of their system of pictographs. By the end of the sixth grade, students master the following writing formats: Example, Compare & Contrast, Cause & Effect, Analogy, Definition, Process. All students in the sixth grade participate in the Junior Great Books based program that places an emphasis on developing critical questions, weighing evidence and support for a writer’s position on an issue, and learning how to participate in a small group, seminar style discussion on primary texts.

**History & Social Science**

**California State Standards**

*Students in grade six expand their understanding of history by studying the people and events that ushered in the dawn of the major Western and non-Western ancient civilizations. Geography is of special significance in the development of the human story. Continued emphasis is placed on the everyday lives, problems, and accomplishments of people, their role in developing social, economic, and political structures, as well as in establishing and spreading ideas that helped transform the world forever. Students develop higher levels of critical thinking by considering why civilizations developed where and when they did, why they became dominant, and why they declined. Students analyze the interactions among the various cultures, emphasizing their enduring contributions and the link, despite time, between the contemporary and ancient worlds.*

**Montessori Grade Level Content**

Students in a Montessori classroom are introduced to historical topics from a more general point of view. Students are introduced to more specific topics once they have an academically appropriate context for more specific topics. In this way, the Montessori History and Social Science curriculum is used to support the academic learning of the state standards in this content area. Students at each grade level are given the five Great Lessons of the Montessori curriculum at the beginning of each year. Each year, students review the big picture and more completely integrate their learning of new specifics with what they have learned in the past. The history of ancient civilizations is presented to the students in the greater context of the history of the Upper Paleolithic, the Old Stone Age, the Earth, and even the Universe.

**Science**
California State Standards

The science curriculum in grade six emphasizes the study of earth sciences. Students at this age are increasing their awareness of the environment and are ready to learn more. The standards in grade six present many of the foundations of geology and geophysics, including plate tectonics and earth structure, topography, and energy. The material is linked to resource management and ecology, building on what students have learned in previous grades. Unless students take a high school earth science class, what they learn in grade six will be their foundation for earth science literacy.

Montessori Grade Level Content

As is the case with the History and Social Science curriculum, the Montessori curriculum in Science is used explicitly to support the academic learning of the state content standards in this area. Students in the sixth grade focus much of their science based learning in the area of Earth Science. The academic context and knowledge that the sixth grade student has acquired in the previous two years serves as a strong foundation for science based inquiry at a more abstract, logical level. Students in the sixth grade are for the third time given lessons on the history of the Universe, the Earth and of life. The natural interest of students in these topics, as well as the research skills acquired in the previous two years, serves as a strong academic foundation for learning success.

Seventh and Eighth Grades

The seventh and eighth grade curriculum continues to evolve at DMCS. Students are expected to make at least one year’s measured progress and to master the California academic content standards.

As a multi-grade/multi-age classroom, DMCS has established a two-year curriculum that reflects the entire range of California’s academic standards, while providing an extended time-frame for students to master that content. In the middle grades, preparation of students for their next phase in life reflects both the Montessori philosophy and the DMCS core mission. DMCS seeks to prepare students for success in traditional high school settings and to further student opportunities for college, careers, and productive citizenship and community service.

Seventh grade students in mathematics focus on mastery of all mathematical operations, including fractions, decimals, percents; statistics; utilizing geometric formulas; mastering squaring, cubing and square/cube roots; developing competence in various step equations and inequalities; and preparing for algebra in the 8th grade through introducing the quadratic formula and understanding aspects and terminology related to graphing. DMCS expects to achieve enrollment of all its students in Algebra as eighth graders by 2012.

Montessori materials provide an excellent visual/manipulate resource for proving concepts or as remediation to aide abstraction. However, to ensure success in 8th grade Algebra and future math coursework, DMCS believes that students need to work from a California State adopted
math textbook. DMCS adopted Prentice Hall California Pre-Algebra and Algebra textbooks as
the primary curriculum for 7th / 8th grade and use what Montessori offers as a secondary
resource to bridge what is known and understood with the presentation in the standardized
format and terminology adapted by the state of California.

Similarly, Montessori education in language arts is beneficial in the earlier elementary grades,
with strength in learning grammar and the structure of English. However, writing instruction,
literary critique and literary elements required in the 7th/8th grades is not a component of
Montessori materials. Here, the state has clearly defined standards and the adopted textbooks for
Language Arts instruction are the primary resource; DMCS uses the Prentice Hall Penguin
Edition Language Arts anthology and Writing and Grammar handbooks for 7th and 8th grade
instruction.

There is a more balanced integration of Montessori and state aligned textbook instruction in
Science for both grades. In the 7th grade, Montessori materials provide a strong foundation with
the life sciences, particularly around classification of the plant and animal kingdoms, scientific
characteristics used for classification, anatomy and physiology for systems of plant and animal
life, evolution and earth history. Integration of labs providing hands on experience with light
and genetics are a necessary complement. Montessori complements the 8th grade curriculum in
the study of states of matter, chemical building blocks, forces, reactions and astronomy.
Integration of labs or activities providing hands on experience is necessary for the chemistry and
periodic table standards. Knowing the student needs to be prepared for the traditional setting of
high school sciences, these thorough Montessori lessons are mixed in with the instruction using a
state aligned textbook. Part of the practical life emphasis associated with text usage is to assist
students to develop the skills to glean the key ideas and concepts of written language so they can
excel in any academic environment. DMCS has adopted the State approved and aligned Prentice
Hall California Life and Physical Science Textbooks for instruction.

In the middle grades, correlation between Montessori’s philosophy of history instruction and the
California state standards is not strong. Therefore, state-adopted materials are the primary source
of content instruction, with the Montessori philosophy of history instruction used to develop
cultural sensitivity for people of past cultures and understanding the underlying causes for past
actions and traditions.

Montessori provides an excellent, scientifically based foundation for elementary education, but
her work shifts to philosophy for the child above the age of 12. The state of California has
established specific standards that are specialized in the content areas. It is fair to say that at
DMCS, Montessori philosophy is applied to the method of instruction, keeping it student
centered, individualized and inquiry based. Montessori materials are integrated where they apply
as a beneficial supplement. Specific lessons that demonstrate or provide experience to the
student are integrated in instruction. In fulfilling the goal of preparing the student for success in
high school, the Jr. High years are to bridge the Montessori education with the traditional setting
by building competent use of state adopted materials for instruction, content area studies and
assessment, or we are not properly serving the Montessori student. It is for this reason that
Montessori materials serve primarily as a supplement and support to state adopted materials at
these grade levels.
DMCS and Students with special needs: students performing below grade-level, above grade-level, English learners, and students with disabilities

Below Grade-level Performance:

Students who are determined to be performing below grade level—via teacher observation, classroom assignments and assessments, California Standards Tests and other criteria—are provided targeted support and intervention.

DMCS uses the Curriculum Associates instruments, SRA Reading, and other tools at specified timelines during the year to monitor student progress. DMCS teachers also work in grade-level and content area groups to develop grade-level skill expectations that are matched to the state’s academic standards.

Students working below grade-level have many intensive strategies available to them and their families. These include:

1. Individualized homework packets bring intensive lessons that are scripted to each student’s specific and identified weaknesses.
2. Targeted individual and small group instruction with DMCS teachers, aides, and intervention specialists.
3. DMCS has created a staffing schedule where classroom teachers with intervention expertise and experience along with intervention specialists provide reading and math support.
4. DMCS emphasizes the flexibility of instructional programs and curriculum content so that students have access to a range of materials and methodologies that are consistent with improving their learning.
5. Students can be and are grouped for assistance which also can be in a pull-out session from the regular classroom.

Above Grade-level Performance:

The multi-age and multi-grade classrooms at DMCS lend themselves extraordinarily well to providing appropriate challenges for students working above grade level. As with all other students, individualized homework packets are tailored to each student’s progress. Additionally, DMCS offers students working above grade-level:

1. Opportunities for deeper inquiry and research, including investigation and inquiry; presentations to classmates and schoolmates through research projects.
2. Work and coordinated placement in advanced classrooms as an opportunity to work on more complex content and with older, more advanced students.
3. Opportunities to use their advanced academic standing to build confidence by teaching other students at the school, often by leading lessons to either small groups of students.

Plan for English Learners
Overview

The Charter School will meet all applicable legal requirements for English Learners (“EL”) as it pertains to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirement. The Charter School will implement strategies for serving English Learners which are research-based, supported by Charter School resource, and evaluated annually for effectiveness.

Home Language Survey

The Charter School will administer the home language survey upon a student’s initial enrollment into the Charter School (on enrollment forms).

CELDT Testing

All students who indicate that their home language is other than English will be CELDT tested within thirty days of initial enrollment\(^1\) and at least annually thereafter between July 1 and October 31\(^{2}\) until re-designated as fluent English proficient.

The Charter School will notify all parents of its responsibility for CELDT testing and of CELDT results within thirty days of receiving results from publisher. The CELDT shall be used to fulfill the requirements under the No Child Left Behind Act for annual English proficiency testing.

English Learner Instructional Strategies and Curriculum

Students identified as English learners benefit from access to positive features of DMCS, including:

1. Individualized homework
2. A focus on instructional tools to bring students access to conversational and academic language
3. Language tools, such as Leapfrog, used in the early primary grades
4. Peer assistance
5. DMCS teachers and aides set aside specific instructional time and support for English learners during the day—as part of their weekly work plan and when doing individual and small group lessons—to focus on English language acquisition.
6. Classroom and school assessment instruments, along with teacher observation and assessments monitor and report progress.

\(^1\) The thirty-day requirement applies to students who are entering a California public school for the first time or for students who have not yet been CELDT tested. All other students who have indicated a home language other than English will continue with annual CELDT testing from their prior school of enrollment.
Reclassification Procedures

Reclassification procedures utilize multiple criteria in determining whether to classify a pupil as proficient in English including, but not limited to, all of the following:

- Assessment of language proficiency using an objective assessment instrument including, but not limited to the CELDT,

- Participation of the pupil’s classroom teachers and any other certificated staff with direct responsibility for teaching or placement decisions of the pupil to evaluate the pupil’s curriculum mastery,

- Parental opinion and consultation, achieved through notice to parents or guardians of the language reclassification and placement including a description of the reclassification process and the parents opportunity to participate, and encouragement of the participation of parents or guardians in the Charter School’s reclassification procedure including seeking their opinion and consultation during the reclassification process

- Comparison of the pupil’s performance in basic skills against an empirically established range of performance and basic skills based upon the performance of English proficient pupils of the same age that demonstrate to others that the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.

Plan for Serving Students with Disabilities

Overview

The Charter School shall comply with all applicable State and Federal Laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act ("Section 504"), the Americans with Disabilities Act ("ADA") and the Individuals with Disabilities in Education Improvement Act ("IDEIA").

The Charter School shall be categorized as a “public school” in conformity with Education Code Section 47641(b). DMCS is an LEA in partnership with the El Dorado County Office of Education Charter SELPA.

The Charter School shall comply with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures; and shall utilize appropriate SELPA forms.

The Charter School shall be solely responsible for its compliance with Section 504 and the ADA.

The facilities to be utilized by the School shall be accessible for all students with disabilities.
Services for Students under the “IDEIA”

The following description regarding how special education and related services will be provided and funded is being proposed by the Charter School for the sole purpose of providing a reasonably comprehensive description of the special education program in the Charter Petition. The specific manner in which special education and related services will be provided and funded shall be in accordance with the expectations of the El Dorado County Office of Education Charter SELPA. The following provisions are meant to summarize the Charter School Petitioner’s understanding of the manner in which special education instruction and related services shall be provided. The following language aligns the typical “industry standard” arrangement with State and Federal law, which requires that students in charter schools receive special education and related services in the same manner as any other student in the EDCOE Charter SELPA.

The Charter School intends to provide special education instruction and related services in accordance with the IDEIA, Education Code requirements, and applicable policies and practices of the Special Education Local Plan Area (“SELPA”). The Charter School shall become an independent LEA and join a SELPA pursuant to Education Code Section 47641(a) either on its own or with a grouping of charter school LEA’s as a consortium.

The Charter School will follow EDCOE Charter SELPA policies and procedures, and shall utilize SELPA forms in seeking out and identifying and serving students who may qualify for special education programs and services and for responding to record requests and parent complaints, and maintaining the confidentiality of pupil records. The Charter School will comply with EDCOE Charter SELPA protocol as to the delineation of duties between the SELPA central office and the local school site in providing special education instruction and related services to identified pupils. Regular meetings and training between the Charter School and the SELPA will occur to review special education policies, procedures, protocols, and forms of the SELPA and SELPA protocol. This will ensure that the Charter School and the EDCOE Charter SELPA have an ongoing mutual understanding of protocol and will facilitate ongoing compliance.

The Charter School acknowledges the importance of cooperating with the SELPA so that appropriate special education services are provided to Charter School students. The Charter School agrees to promptly respond to all SELPA inquiries, to comply with SELPA directives, and to allow the SELPA access to Charter School students, staff, facilities, equipment and records as required to fulfill all SELPA obligations under this Agreement or imposed by law.

Staffing

All special education services at the Charter School will be delivered by individuals or agencies qualified to provide special education services as required by California’s Education Code and the IDEIA. Charter School staff shall participate in all needed in-service training relating to special education.
The Charter School will be responsible for the hiring, training (in conjunction with the EDCOE SELPA), and employment of site staff necessary to provide special education services to its students, including, without limitation, special education teachers, paraprofessionals, and resource. The Charter School shall ensure that all special education staff hired by the Charter School is qualified pursuant to SEPLA policies, as well as meet all legal requirements. The SELPA may review the qualifications of all special education staff hired by the Charter School and may require pre-approval of all hires to ensure consistency with SELPA policies. The Charter School shall be responsible for the hiring, training, and employment of itinerant staff necessary to provide special education services to Charter School students, including, without limitation, speech therapists, occupational therapists, behavioral therapists, and psychologists.

Notification and Coordination

The Charter School shall follow SELPA policies as they apply to implementation of special education services.

The Charter School shall follow SELPA policies as they apply for notifying SELPA personnel regarding the discipline of special education students to ensure SELPA pre-approval prior to imposing a suspension or expulsion. The Charter School shall assist in the coordination of any communications and immediately act according to SELPA administrative policies relating to disciplining special education students.

Identification and Referral

The Charter School shall have the responsibility to identify, refer, and work cooperatively in locating Charter School students who have or may have exceptional needs that qualify them to receive special education services. The Charter School will implement SELPA policies and procedures to ensure timely identification and referral of students who have, or may have, such exceptional needs. A pupil shall be referred for special education only after the resources of the regular education program have been considered, and where appropriate, utilized.

It is the Charter School’s understanding that the EDCOE Charter SELPA shall provide the Charter School with assistance that it generally provides its schools in the identification and referral processes. The SELPA shall have unfettered access to all Charter School student records and information in order to serve all of Charter School’s students’ special needs.

The Charter School will follow child-find procedures to identify all students who may require assessment to consider special education eligibility and special education and related services in the case that general education interventions do not provide a free appropriate public education to the student in question.

Assessments
The term “assessments” shall have the same meaning as the term “evaluation” in the IDEIA, as provided in Section 1414, Title 20 of the United States Code. The Charter School shall work to obtain parent/guardian consent to assess Charter School students as necessary.

**IEP Meetings**

The Charter School shall arrange and notice the necessary IEP meetings. IEP team membership shall be in compliance with state and federal law. The Charter School shall be responsible for having the following individuals in attendance at the IEP: the Principal and/or the Charter School designated representative with appropriate administrative authority as required by the IDEIA; the student’s special education teacher; the student’s general education teacher if the student is or may be in a regular education classroom; the student, if appropriate; and other Charter School representatives who are knowledgeable about the regular education program at the Charter School and/or about the student. The Charter School’s shall arrange for the attendance or participation of all other necessary staff that may include, but are not limited to, an appropriate administrator to comply with the requirements of the IDEIA, a speech therapist, psychologist, resource specialist, and behavior specialist; and shall document the IEP meeting and provide of notice of parental rights.

**IEP Development**

The Charter School will make the decisions regarding eligibility, goals/objectives, program, services, placement, and exit from special education pursuant to the SELPA’s IEP process. Programs, services and placements shall be provided to all eligible Charter School students in accordance with the policies, procedures and requirements of the SELPA and State and Federal law.

**IEP Implementation**

The Charter School shall be responsible for all school site implementation of the IEP. The Charter School shall provide the parents with timely reports on the student’s progress as provided in the student’s IEP, and at least quarterly or as frequently as progress reports are provided for the Charter School’s non-special education students, whichever is more. The Charter School shall also provide all home-school coordination and information exchange unless directed otherwise by the SELPA. The Charter School shall also be responsible for providing all curriculum, classroom materials, classroom modifications, and assistive technology unless directed otherwise by the SELPA. The Charter School shall comply with any directive of the SELPA as relates to the coordination of the Charter School for IEP implementation including but not limited to adequate notification of student progress and immediate notification of any considered discipline of special education students in such matters, the petitioners would notify the SELPA of relevant circumstances and communications immediately and act according to SELPA administrative authority.

**Interim and Initial Placements of New Charter School Students**
For students who enroll in the Charter School from another school district outside of the SELPA with a current IEP, the Charter School shall conduct an IEP meeting within thirty days or notify parents of a continuation of services. Prior to such meeting and pending agreement on a new IEP, the Charter School shall implement the existing IEP at the Charter School, to the extent practicable or as otherwise agreed between the Charter School and parent/guardian.

Non-Public Placements/Non-Public Agencies

The Charter School shall be solely responsible for selecting, contracting with, and overseeing all non-public schools and non-public agencies used to serve special education students. The Charter School shall immediately notify the SELPA of all parental requests for services from non-public schools or agencies, unilateral placements, and/or requests for reimbursement.

Non-discrimination

It is understood and agreed that all children will have access to the Charter School and no student shall be denied admission nor counseled out of the Charter School due to the nature, extent, or severity of his/her disability or due to the student’s request for, or actual need for, special education services.

Parent/Guardian Concerns and Complaints

The Charter School shall follow SELPA policies as they apply for responding to parental concerns or complaints related to special education services. The Charter School shall immediately notify the SELPA of any concerns raised by parents. In addition, the Charter School and the SELPA shall immediately bring to the other’s attention any concern or complaint by a parent/guardian that is in writing and/or which involves a potential violation of state or federal law.

The Charter School’s designated representative shall investigate as necessary, respond to, and address the parent/guardian concern or complaint.

The Charter School shall timely notify the SELPA of any meetings scheduled with parents/guardians or their representatives to address the parent/guardian concerns or complaints so that a representative of each entity may attend.

The Charter School and the SELPA shall cooperate in responding to any complaint to or investigation by the California Department of Education, the United States Department of Education, or any other agency, and shall provide timely notice to the other upon receipt of such a complaint or request for investigation.

Parents have the opportunity to participate in the Charter SELPA CAC and trainings and that parents can easily access the SELPA staff via a toll-free 800 number.

Due Process Hearings
The Charter School or SELPA may initiate a due process hearing or request for mediation with respect to a student enrolled in Charter School if such action is legally necessary or advisable. In the event that the parents/guardians file for a due process hearing, or request mediation, the SELPA and the Charter School shall work together to defend the case. In the event that the SELPA determines that legal representation is needed, the Charter School shall follow the directives of the SELPA.

SELPA Representation

The Charter School’s will send a representative to SELPA meetings.

Funding

The Charter School understands that it will enter into a MOU with the EDCOE Charter SELPA regarding Special Education funding, and cannot at this time unilaterally dictate the funding relationship between the SELPA and the Charter School. The Charter School anticipates, based upon State and Federal law that the fiscal relationship could be summarized as follows

*Retention of Special Education Funds by the District*

The SELPA shall retain a portion of state and federal special education funding allocated for Charter School students for their administrative oversight and assistance. The bulk of the special education funding will flow to the Charter School for the payment of special education salaries, equipment and other services required by special education students.

*Retention of ADA Funds by the District for Non-Public Placements*

The Charter School acknowledges that it may be required to provide students with placements at locations other than at the Charter School’s school site in order to provide them with a free appropriate public education. Such placements could include, without limitation, programs or services in other District schools, in other public school districts within the SELPA, in a County Office of Education program, in a non-public school, at home, at a hospital, or in a residential program.

*Section 504 of the Rehabilitation Act*

The Charter School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Charter School. Any student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the School.
A 504 team will be assembled by the principal of the Charter School and shall include parents/guardians, the student (where appropriate), and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and accommodations. The 504 team will review the student’s existing records, including academic, social and behavioral records and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEA, but found ineligible for special education instruction or related services under the IDEA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team who will evaluate the nature of the student’s disability and the impact upon the student’s education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team may also consider the following information in its evaluation:

a. Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.

b. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligent quotient.

c. Tests are selected and administered so as to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student’s aptitude or achievement level or whatever factor the test purports to measure rather than reflecting the student’s impaired sensory, manual or speaking skills.

The final determination of whether the student will or will not be identified as a person with a disability is made by the 504 team in writing and notice is given in writing to the parent or guardian of the student in their primary language. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEA, a referral for special education assessment will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives a free and appropriate public education ("FAPE"). In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the Charter School’s professional staff.

The 504 Plan shall describe the Section 504 disability and any program modification that may be necessary.

All 504 team participants, parents, guardians, teachers and any other participants in the student’s education, including substitutes and tutors, must have a copy of each student’s 504 Plan. The site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student’s file. Each student’s 504 Plan will be reviewed regularly.
to determine the appropriateness of the Plan, continued eligibility or readiness to discontinue the 504 Plan.
III. **Measurable Student Outcomes and Other Uses of Data**

*Governing Law:* The measurable pupil outcomes identified for use by the Charter School. “Pupil outcomes,” for purpose 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.--California Education Code Section 47605(b)(5)(B)

*Governing Law:* The method by which pupil progress in meeting those pupil outcomes is to be measured.--California Education Code Section 47605(b)(5)(C)

**DMCS and Academic Achievement:**

DMCS recognizes that as a public and as a charter school, it is the expectation of students, parents, the Dixon community, and the State of California that students enrolled at DMCS will benefit academically. The growth of the school from 2005-09 with more teachers, students, and grades made longitudinal measurement of progress more challenging. But as the school’s enrollment tops off and the grades stabilize, DMCS is eager to provide transparency for student and school performance.

The sections that follow provide details on how DMCS measures student outcomes, methods of assessment, and DMCS’s established performance targets on the state’s Academic Performance Index.

**Measurable Student Outcomes at DMCS:**

DMCS believes its worthiness to students and the community must be reflected in academic performance. DMCS, therefore seeks to perform at a level that equals, if not exceeds, other schools in the Dixon community. During the first year that DMCS had sufficient student enrollment to reflect an Academic Performance Index score (2006-07), DMCS received an API of 738, which placed it squarely in the middle of the Dixon community schools. The school’s decile ranking was 4.

Disappointingly, in 2007-08, with the tragic and unexpected loss of a veteran teacher, the inclusion of three-first-year teachers, and the addition of seventh grade, DMCS’s API fell to 695. CDE notes that DMCS still met both its participation targets and its subgroup proficiency targets with these scores. While other Dixon schools also declined to an average in the 730 range, this is not acceptable to the school.

The fall in scores must be understood in context of rapid growth of the school, addition of new staff, and the basic unreliability of having only 125 tests administered over the course of the school’s first three years. The California Department of Education notes that for schools with enrollments of 11-99 test takers, the scores are inherently less reliable. CDE does not report similar school rankings for small schools.
Therefore, DMCS proposes the following measurable outcomes for the school:

**Dixon Montessori Charter School**

**API Targets**

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Other elementary schools in the Dixon Unified School District have 2008 base APIs ranging from 725-774. DMCS commits to meeting or exceeding the performance of the community’s schools.

DMCS participates in all pupil assessments required pursuant to Education Code 60605 (c) (1) and all other assessments and accountability measures required of charter schools. The cornerstone of DMCS’ academic preparation is to gauge performance on the California Standards Test (CST). DMCS believes that the CSTs provide an objective means of measuring student progress that is consistent with desired student learning outcomes.

For 2008, DMCS had the following student performance, by school and by subgroups:

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<thead>
<tr>
<th>GROUPS</th>
<th>Valid Scores</th>
<th>Number At or Above Proficient</th>
<th>Percent At or Above Proficient</th>
<th>Met 2008 AYP Criteria</th>
<th>Alternative Method</th>
<th>Number Valid Scores</th>
<th>Number At or Above Proficient</th>
<th>Percent At or Above Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schoolwide</td>
<td>75</td>
<td>23</td>
<td>30.7</td>
<td>Yes</td>
<td>CI</td>
<td>75</td>
<td>32</td>
<td>42.7</td>
</tr>
<tr>
<td>African American or Black (not of Hispanic origin)</td>
<td>1</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>1</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>1</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>1</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Asian</td>
<td>6</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>6</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Filipino</td>
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<td>--</td>
<td>--</td>
<td>0</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>37</td>
<td>7</td>
<td>18.9</td>
<td>--</td>
<td>37</td>
<td>13</td>
<td>35.1</td>
<td></td>
</tr>
<tr>
<td>Pacific Islander</td>
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<td>--</td>
<td>--</td>
<td>--</td>
<td>0</td>
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</tr>
<tr>
<td>White (not of Hispanic origin)</td>
<td>30</td>
<td>10</td>
<td>33.3</td>
<td>--</td>
<td>--</td>
<td>30</td>
<td>13</td>
<td>43.3</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>13</td>
<td>0</td>
<td>0.0</td>
<td>--</td>
<td>14</td>
<td>0</td>
<td>0.0</td>
<td></td>
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<tr>
<td>English Learners</td>
<td>18</td>
<td>5</td>
<td>27.8</td>
<td>--</td>
<td>18</td>
<td>6</td>
<td>33.3</td>
<td></td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>5</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>6</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

Source: California Department of Education
Methods of Assessment

Method for Measuring Pupil Progress

DMCS uses a comprehensive array of tools to measure student progress. At the center of the data collection is the California Standards Test.

Each teacher meets in the home with students and their families before the beginning of the school year. At that meeting, results from the CSTs (if available) are used to establish where each student begins the academic year and how the teacher will ensure that the students makes academic progress and either exceeds, maintains, or reaches proficiency.

Teachers administer an initial benchmark exam to gain an in-class overview of the student’s academic standing and use that to establish the initial weekly work plans.

Student progress on non-state mandated exams, including daily math and language quizzes, weekly spelling tests, in-class observations, weekly student homework, and student project presentations are used as interim assessments that guide continuous refinement of the student’s instructional program.

Evidence of student progress is reported at two interim and a final parent-teacher meeting. Teachers are expected to present in a standards-based report card format the student’s status in meeting grade-level standards.

The following table describes the school’s method for measuring student progress, as it generally follows the academic year:

<table>
<thead>
<tr>
<th>Assessment</th>
<th>Measurable Outcome</th>
<th>Utility</th>
</tr>
</thead>
<tbody>
<tr>
<td>California Standards Tests</td>
<td>Provides detailed report on student proficiency on state academic standards; establishes roadmap for current academic year</td>
<td>Used by teachers to identify student strengths and weaknesses and to establish academic growth targets and instructional programs.</td>
</tr>
<tr>
<td>Curriculum Associates</td>
<td>Standards-based benchmark</td>
<td>Establish Instruction Program; note standing for grade-level proficiency</td>
</tr>
<tr>
<td>Rocket Math and Board English</td>
<td>Daily indicators of student mastery of standards-based skill and knowledge</td>
<td>Provide evidence on student understanding of work plan; evidence to continue or alter instructional program</td>
</tr>
</tbody>
</table>
In-Class Assessments, including DRA, Rigby, SRA, and San Diego Quick Evidence of mastery of lessons, concepts, and standards Evidence to continue or alter instructional program

Standards-based Report Card Provided to parents as indicator of student progress towards mastery of grade-level standards Deep analysis of student learning that brings together assessment, observation, classroom, and project-based evidence

Scantron Performance Series Testing Computer adaptive assessment used to provide data to guide individual instruction Used to provide interim report to parents; to check instruction for teachers; to provide individual work plans for students.

Use And Reporting Of Data

Reporting of Achievement Data
DMCS has always had a commitment to transparency of information on student progress towards meeting academic standards. Beginning in the 2011-2012 academic year, the DMCS director will report to the DMCS board at an open meeting noticed to parents and interested parties an annual performance report that includes:

- The school’s API
- Grade-level proficiency scores by content area
- The school’s progress towards meeting its API and student proficiency targets
- Recommended activities to ensure success

Use of Achievement Data to Improve Upon Charter School Programs

Staff will receive data on student achievement during regularly scheduled staff meetings and will use this data to help monitor and improve the Charter School’s education program.

The Charter School will utilize the assessment tools indicated above to review the educational program on an ongoing basis and to suggest improvements in areas of low performance for all identified student populations.

Performance Report

The Charter School will compile and provide an annual performance report. This report will, at a minimum, include the following data:

- Summary data showing student and school progress toward the goals and outcomes discussed above. This data will be displayed on both a Charter School-wide basis and
disaggregated by grade level subject area and reportable subgroup categories to the extent feasible without compromising student confidentiality.

- A summary of major decisions and policies established by the Charter School Board during the year.

- Data on the level of parent involvement in the Charter School's governance (and other aspects of the school, if applicable) and summary data from an annual parent and student satisfaction survey.

- Data regarding the number of staff working at the Charter School and their qualifications, proof of required credentialing, background clearance, and tuberculosis clearance.

- A copy of the Charter School’s health and safety policies and/or a summary of any major changes to those policies during the year.

- Information demonstrating whether the Charter School implemented the means listed in the charter to strive to achieve a racially and ethnically balanced student population.

- An overview of the Charter School’s admissions practices during the year and data regarding the numbers of students enrolled, the number on waiting lists and the numbers of students expelled and/or suspended.

- Analyses of the effectiveness of the Charter School’s internal and external dispute mechanisms and data on the number and resolution of disputes and complaints.

- Other information regarding the educational program and the administrative, legal and governance operations of the Charter School relative to compliance with the terms of the charter generally.

The Charter School will use the information compiled in the performance report to evaluate and improve upon its programs as necessary.

Pursuant to Education Code Section 47604.3, the Charter School will promptly respond to all reasonable inquiries, including, but not limited to inquiries regarding its financial records from the District. The Charter School will automatically submit all financial reports required under Education Code Section 47604.33 and 47605(m). The Charter School recognizes the right of the State Board of Education and California Department of Education to inspect financial records.
IV. **GOVERNANCE STRUCTURE**

**Governing Law:** The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement—California Education Code Section 47605 (b)(5)(D)

**Non-Profit Public Benefit Corporation**


The Charter School shall be liable for the debts and obligations of the Charter School.

**Board Of Directors**

The Charter School is governed by a corporate Board of Directors who shall be selected, and serve, and govern the Charter School in accordance with their adopted corporate bylaws, which shall be maintained to align with the terms of this charter and applicable law.

The State Board of Education may appoint a representative to serve on the Board of Directors.

**Board Duties**

The Board of Directors will be responsible for the operation and fiscal affairs of the Charter School including but not limited to:

- Approval of the annual school budget, calendar, salary schedules, major fundraising events, and grant writing;
- Negotiation and approval of a MOU or other contracts with the State Board of Education and Dixon Unified School District (facilities and maintenance MOU);
- Approval of all contracts, contract renewals, and personnel actions (e.g., hiring, discipline, dismissal)
- Approval of bylaws, resolutions, and policies and procedures of school operation
- Approval of all changes to the charter to be submitted to the CDE as necessary in accordance with applicable law
- Long-term strategic planning for the Charter School;
- Participation as necessary in dispute resolution;
- Monitoring overall student performance;
• Filling the position of Principal, as necessary;
• Evaluation of the Principal;
• Monitoring the performance of the Charter School and taking necessary action to ensure that the school remains true to its mission and charter;
• Monitoring the fiscal solvency of the Charter School;
• Participation in the Charter School’s independent fiscal audit;
• Participation in the Charter School’s performance report to the District;
• Participation as necessary in student expulsion matters; and
• Increasing public awareness of the Charter School
• Fundraising efforts

The Charter School’s Board of Directors may initiate and carry out any program or activity that is not in conflict with or inconsistent with any law and which is not in conflict with the purposes for which charter schools are established.

**Board Meetings**

The Board of Directors will meet at least monthly (except for summer months) to review and act on its responsibilities. All meetings shall be held in accordance with the Brown Act.

The Charter School shall adopt a conflicts code which shall comply with the Political Reform Act, Government Code Section 87100, and applicable conflict restrictions required by the Corporations Code and any conflicts restrictions that may be adopted in the future as applicable to the Charter School.

The Board of Directors meetings will be headed by a Board President, who will be elected annually amongst the Board at the concluding meeting of the school year.

As long as quorum exists as defined by the corporate bylaws, measures voted on by the Board of Directors may be passed with a simple majority of those members present.

**Board Delegation of Duties**

The Board may execute any powers delegated by law to it and shall discharge any duty imposed by law upon it and may delegate to an employee or contractor of the Charter School any of those duties with the exception of employment of the Principal, dismissal of employees, approval of Board policies, approval of the budget or budget revisions or purchases over $25,000. The
Board however, retains ultimate responsibility over the performance of those powers or duties so delegated. Such delegation will:

- Be in writing;
- Specify the entity designated;
- Describe in specific terms the authority of the Board being delegated, any conditions on the delegated authority or its exercise and the beginning and ending dates of the delegation; and
- Require an affirmative vote of a majority of present Board members.

Charter School Principal

The Principal will be the leader of the school. The Principal will ensure that the curriculum is implemented in order to maximize student-learning experiences. The Principal must report directly to the Charter School Board of Directors, and s/he is responsible for the orderly operation of the school and the supervision of all employees in the Charter School.

The Board of Directors intends to hire a principal who will be responsible for administering the school in all of the aspects of its day to day operations, working with the Charter School Board of Directors, the District, students, parents, and community members and the other governing bodies specified by local and state law. The Principal’s duties shall include, but are not limited to, the following:

- Provide instructional leadership to the Charter School
- Attend meetings at the SBE and stay in direct contact with CDE to assist in its oversight duties;
- Supervise all employees of the Charter School; make recommendations to the Board of Directors regarding the hiring of all Charter school employees;
- Provide performance evaluations of all Charter School employees at least once annually;
- Prepare proposals of policies for adoption by the Board of Directors;
- Provide comments and recommendations regarding policies presented by others to the Board;
- Advise the Board and make written recommendations to the Board on programs, policies, budget and other school matters;
- Communicate with the Charter School’s legal counsel;
• Stay abreast of school laws and regulations;
• Participate in the dispute resolution procedure and the complaint procedure when necessary;
• Write applications for grants;
• Attend meetings with the Financial Services Provider on fiscal oversight issues periodically upon request;
• Provide all legally required financial reports to the CDE;
• Develop and administer the budget as approved by the Board in accordance with generally accepted accounting principles;
• Present quarterly financial reports to the Board of Directors;
• Provide assistance and coordination in the implementation of curriculum;
• Oversee parent/student/teacher relations;
• Attend IEP meetings as required by law;
• Oversee student disciplinary matters;
• Coordinate the administration of Standardized Testing;
• Plan and coordinate student orientation;
• Attend all Charter School Board meetings and attend as necessary District or SBE Board meetings;
• Site safety;
• Foster an amicable relationship between District and the Charter School;
• Establish a Communication Model to facilitate communication among all the groups within the Charter School, between the Charter School and the District, and between the Charter School and the community at large;
• Graduations;
• Develop the Charter School annual performance report and SARC;
• Present performance report to the Charter School; and
- Facilitate open house events.

The above duties may be delegated or contracted as approved by the Board to another employee of the Charter School or to an appropriate third party provider as allowed by applicable law.

**Parent Participation in Governance**

In addition to their ability to serve on the Board, the Charter School will ensure parents have an opportunity to participate in governance of the Charter School through involvement in the Charter School Advisory Council. The Charter School Advisory Council shall be composed of three parents, self-nominated and elected amongst the parent body; three teachers, self-nominated and elected amongst the teachers; and a student representative. The Advisory Council shall meet regularly and shall make recommendations to the Board of Directors for all aspects of operation. The Principal shall attend all Advisory Council meetings and shall report Advisory Council recommendations to the Board of Directors.
V. **Human Resources**

**Qualifications of School Employees**

*Governing Law: The qualifications to be met by individuals to be employed by the school. California Education Code Section 47605 (b)(5)(E)*

In accordance with Charter School health and safety policies, described below, all employees shall be fingerprinted and background checked and receive background clearance and tuberculosis clearance prior to commencing employment with the Charter School.

The Charter School's key staff members (Principal and Teachers) will meet the following qualifications:

**Principal Qualifications**

The Charter School’s Principal will be the instructional leader at the school and will be responsible for helping the school and students achieve the outcomes outlined in this charter petition. The Principal will have the following qualifications:

*Required knowledge, skills, and abilities:*

- Understanding of Montessori methodology, measurement and implementation
- Understanding of teacher evaluation
- Superb communication and community-building skills
- Deep knowledge of curriculum development and program design
- A record of success in developing teachers
- Entrepreneurial passion
- Knowledge of school management

*Required experience:*

- Experience in performance assessment
- Experience in school management

**Teacher Qualifications**

*Required knowledge, skills, and abilities:*

Candidates are evaluated using these standards:

- Committed to students and learning
- Experience teaching using Montessori methods
- Highly Qualified under applicable requirements of the No Child Left Behind Act
- Technologically knowledgeable
- Skilled in management of learning
- Reflective in their practice
- Community-oriented

**Required educational level / credentialing:**

Charter School teachers will be required to hold a California Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold, in accordance with Education Code section 47605(l), and shall meet applicable “highly qualified” requirements required by the No Child Left Behind Act.

Student to teacher ratio will be in accordance with Education Code Section 51745.6. The Charter School will maintain auditable files of teacher credentials in compliance with applicable law.

**Teacher Recruitment**

The Charter School will develop a comprehensive teacher recruitment policy to attract highly-qualified, credentialed teachers. The Charter School recruitment strategies for employing highly qualified teachers include using established teacher credentialing services, such as EdJoin, Monster.com, college employment fairs, among other generally acceptable strategies. Teachers with Montessori experience will be preferred.

**Professional Development**

Professional development will be provided on an ongoing basis and will be built into the school calendar. Professional development workshop days include:

- An intensive one-week retreat during the summer to implement and develop curriculum and instructional strategies that address the needs of our targeted student population.
- A comprehensive monthly staff meeting.
- Other designated professional development days scheduled throughout the school year.

Professional development needs will be assessed through analysis of student assessment data, annual parent surveys, and formal staff discussions on recommended modifications to the educational program.

**Compensation and Benefits**

*Governing Law: The manner by which staff members of the Charter Schools will be covered by the State Teachers’ Retirement System, the Public Employee’s Retirement System, or federal social security. —California Education Code Section 47605 (b)(5)(K)*

The Charter School will structure its employee compensation plan in a manner that will attract candidates with the necessary skills and experience.
The Charter School employees will participate in the State Teacher Retirement System ("STRS") and the Public Employee Retirement System ("PERS") as applicable to the position. All employees, except for those participating in STRS, shall participate in the Social Security system. The Charter School shall seek reporting services from the District or County pursuant to 47611.3, in exchange for the actual costs of such services.

The Principal shall coordinate and ensure appropriate participation in applicable retirement programs.

**Employee Representation**

*Governing Law: A declaration whether or not the Charter School shall be deemed the exclusive public school employer of the employees of the Charter School for the purposes of the Educational Employment Relations Act.—California Education Code Section 47605(b)(5)(O)*

Charter School shall be deemed the exclusive public school employer of the Charter School teachers, staff and other employees of the Charter School for purposes of the Educational Employment Relations Act. The Charter School recognizes the employees’ rights under the EERA provisions to organize for collective bargaining.

**Rights of School District Employees**

*Governing Law: A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school and of any rights of return to the school district after employment at a charter school—California Education Code Section 47605(b)(5)(M)*

Persons employed by the Charter School are not considered employees of the District for any purpose whatsoever. Employees of the District who resign from District employment to work at the Charter School and who later wish to return to the District shall be treated the same as any other former District employee seeking reemployment. The Charter School shall not have any authority to confer any rights to return on District employees. Sick or vacation leave or years of service credit at the District or any other school district will not be transferred to the Charter School. Employment by the Charter School provides no rights of employment at any other entity, including any rights in the case of closure of the Charter School.

**Health and Safety**

*Governing Law: The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school record summary as described in Section 44237—California Education Code Section 47605(b)(5)(F)*

In order to provide safety for all students and staff, the Charter School has adopted and implemented full health and safety procedures in consultation with its insurance carriers and risk management experts. These procedures are attached as Appendix 2.
The following is a summary of the health and safety policies of the Charter School:

- **Procedures for Background Checks**

Employees and contractors of the Charter School will be required to submit to a criminal background check and furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1. New employees not possessing a valid California Teaching Credential must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. The Principal of the school shall monitor compliance with this policy and report to the Charter School Board of Directors on a quarterly basis. The Charter School Board President shall monitor the fingerprinting and background clearance of the Principal. Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall be fingerprinted and receive background clearance prior to volunteering without the direct supervision of a credentialed employee.

- **Role of Staff as Mandated Child Abuse Reporters**

All non-certificated and certificated staff will be mandated child abuse reporters and will follow all applicable reporting laws, the same policies and procedures used by the District.

- **TB Testing**

Employees will be tested for tuberculosis prior to commencing employment as required by Education Code Section 49406.

- **Immunizations**

All students enrolled and staff will be required to provide records documenting immunizations as is required at public schools pursuant to Health and Safety Code Sections 120325-120375, and Title 17, California Code of Regulations Sections 6000-6075.

- **Medication in School**

The Charter School will adhere to Education Code Section 49423 regarding administration of medication in school.

- **Vision, Hearing/Scoliosis**

Students will be screened for vision, hearing and scoliosis in accordance with Education Code Section 49450, *et seq.*, as applicable to the grade levels served by the Charter School.

- **Diabetes**
Beginning in the 2010-11 school year, the Charter School will provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7th grade students. The information sheet shall include, but shall not be limited to, all of the following:


3. A recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes should be screened for type 2 diabetes.


5. A description of the different types of diabetes screening tests available.

- Emergency Preparedness

The Charter School shall adhere to a School Safety Plan/Emergency Preparedness Handbook drafted specifically to the needs of the school site in conjunction with law enforcement and the Fire Marshall. This handbook shall include, but not be limited to the following responses: fire, flood, earthquake, terrorist threats, and hostage situations. If utilizing facilities that were previously used as a School site, any existing emergency preparedness plan for the school site shall be used as a starting basis for updating the handbook for the Charter School. The School Safety Plan/Emergency Preparedness Handbook is attached as Appendix 3.

- Blood borne Pathogens

The Charter School shall meet state and federal standards for dealing with blood borne pathogens and other potentially infectious materials in the workplace. The Board shall establish a written infectious control plan designed to protect employees and students from possible infection due to contact with blood borne viruses, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

Whenever exposed to blood or other bodily fluids through injury or accident, students and staff should follow the latest medical protocol for disinfecting procedures.

- Drug Free/Alcohol Free/Smoke Free Environment

The Charter School shall function as a drug, alcohol and tobacco free workplace.

- Facility Safety

The Charter School shall comply with Education Code Section 47610 by utilizing facilities that are compliant with the Field Act or the California Building Standards Code. The Charter School agrees to test sprinkler systems, fire extinguishers, and fire alarms annually at its facilities to
ensure that they are maintained in an operable condition at all times. The School shall conduct fire drills as required under Education Code Section 32001.

Comprehensive Sexual Harassment Policies and Procedures

The Charter School is committed to providing a school that is free from sexual harassment, as well as any harassment based upon such factors as race, religion, creed, color, national origin, ancestry, age, medical condition, marital status, sexual orientation, or disability. The Charter School has adopted a comprehensive policy to prevent and immediately remediate any concerns about sexual discrimination or harassment at the Charter School (including employee to employee, employee to student, and student to employee misconduct). Misconduct of this nature is very serious and will be addressed in accordance with the Charter School sexual harassment policy, a draft of which is attached as Appendix 4.

Dispute Resolution

Governing Law: The procedures to be followed by the Charter School and the entity granting the charter to resolve disputes relating to provisions of the charter—California Education Code Section 47605 (b)(5)(N)

VI. STUDENT ADMISSIONS, ATTENDANCE, AND SUSPENSION/EXPULSION POLICIES

Student Admission Policies and Procedures

Governing Law: Admissions requirements, if applicable. [Education Code Section 47605(b)(5)(H)]

The Charter School will be nonsectarian in its programs, admission policies, and all other operations, and will not charge tuition nor discriminate on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). The Charter School shall comply with all applicable legally required minimum and maximum age requirements.

All pupils who wish to attend DMCS shall be admitted, subject only to the school’s capacity.

If the number of students who wish to attend the school exceeds the school’s capacity, admission except for existing students of the Charter School, shall be determined by a public random drawing. Existing students enrolled in the charter school, and siblings of currently enrolled students shall be exempt from the public random drawing. Children of the charter school founders and faculty shall be exempt from the public random drawing up to 10% of total enrollment, combined for both categories. In the case of a public random drawing, preference will be given in the following order:

1. Students residing with the boundaries of the Dixon Unified School District;
2. All others.

Volunteer requirements are not mandatory.

Attendance at orientations and submission of pupil documents will be requested only after the pupil has been admitted to DMCS.

Upon admission to the Charter School, the registration process is comprised of the following:

- Completion of a student registration form;
- Proof of Immunization;
- Home Language Survey;
- Completion of Emergency Medical Information Form;
- Proof of minimum and maximum age requirements, e.g. birth certificate;

**Non-Discrimination**

_Governing Law:_ The means by which the school will achieve 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.—California Education Code Section 47605 (b)(5)(G)

The Charter School will implement a student recruiting strategy that includes but is not necessarily limited to the following elements or strategies to ensure a racial and ethnic balance among students that is reflective of the territorial jurisdiction of the District:

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based recruiting and application process.
- The development of promotional and informational material that appeals to all of the various racial and ethnic groups represented in the district.
- Student recruitment efforts may include, but are not limited to, direct mail, print advertising, and informational meetings directed toward targeted student populations to recruit students from the various racial and ethnic groups represented in the district.
- Outreach meetings that include prospective students and parents of all racial and ethnic backgrounds.

**Public School Attendance Alternatives**
**Governing Law:** The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools. —California Education Code Section 47605 (b)(5)(L)

No student may be required to attend the Charter School. Students who reside within the District who choose not to attend the Charter School may attend school within the District according to District policy or at another school district or school within the District through the District’s intra and inter-district policies. Parents and guardians of each student enrolled in the charter school will be informed on admissions forms that the students have no right to admission in a particular school of a local education agency as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the local education agency.

**Suspension/Expulsion Procedures**

**Governing Law:** The procedures by which pupils can be suspended or expelled—California Education Code Section 47605 (b)(5)(J)

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well being of all students at the Charter School. When the policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as Charter School’s policy and procedures for student suspension and expulsion, and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements.

Staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will clearly describe discipline expectations, and it will be printed and distributed as part of the Student Handbook which is sent to each student at the beginning of the school year. The Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures.

Discipline includes but is not limited to advising and counseling students, conferring with parents/guardians, detention during and after school hours, use of alternative educational environments, suspension and expulsion.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the Policy, corporal punishment does not include an employee’s use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

Suspended or expelled students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or expulsion.

A student identified as an individual with disabilities or for whom Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education
Improvement Act of 2004 ("IDEIA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal and state law mandates additional or different procedures. Charter School will follow all applicable federal and state laws when imposing any form of discipline on a student identified as an individual with disabilities or for whom Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students and shall notify the District of the same.

A. **Grounds for Suspension and Expulsion of Students**

A student may be suspended or expelled for prohibited misconduct if the act is 1) related to school activity, 2) school attendance occurring at Charter School or at any other school, or 3) a Charter School sponsored event. A Pupil may be suspended or expelled for acts that are enumerated below and related to school activity or attendance that occur at any time, including, but not limited to, and of the following:

- a) while on school grounds;
- b) while going to or coming from school;
- c) during the lunch period, whether on or off the school campus; or
- d) during, going to, or coming from a school-sponsored activity.

B. **Enumerated Offenses**

Students may be suspended or expelled for any of the following acts when it is determined the pupil:

1. Caused, attempted to cause, or threatened to cause physical injury to another person.

2. Willfully used force of violence upon the person of another, except self-defense.

3. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee’s concurrence.

4. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.

5. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.

6. Committed or attempted to commit robbery or extortion.
7. Caused or attempted to cause damage to school property or private property.

8. Stole or attempted to steal school property or private property.

9. Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.

10. Committed an obscene act or engaged in habitual profanity or vulgarity.

11. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5.

12. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.

13. Knowingly received stolen school property or private property.

14. Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

15. Committed or attempted to commit a sexual assault as defined in Penal code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.

16. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.

17. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

18. Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.

19. Made terrorist threats against school officials and/or school property. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily
injury to another person, or property damage in excess of one thousand dollars ($1,000),
with the specific intent that the statement is to be taken as a threat, even if there is no
intent of actually carrying it out, which, on its face and under the circumstances in which
it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the
person threatened, a gravity of purpose and an immediate prospect of execution of the
threat, and thereby causes that person reasonably to be in sustained fear for his or her
own safety or for his or her immediate family's safety, or for the protection of school
district property, or the personal property of the person threatened or his or her immediate
family..

20. Committed sexual harassment, as defined in Education Code Section 212.5. For the
purposes of this section, the conduct described in Section 212.5 must be considered by a
reasonable person of the same gender as the victim to be sufficiently severe or pervasive
to have a negative impact upon the individual's academic performance or to create an
intimidating, hostile, or offensive educational environment. This section shall apply to
pupils in any of grades 4 to 12, inclusive.

21. Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as
defined in subdivision (e) of Section 233 of the Education Code. This section shall apply
to pupils in any of grades 4 to 12, inclusive.

22. Intentionally harassed, threatened or intimidated a student or group of students to the
extent of having the actual and reasonably expected effect of materially disrupting class
work, creating substantial disorder and invading student rights by creating an intimidating
or hostile educational environment. This section shall apply to pupils in any of grades 4
to 12, inclusive.

Alternatives to suspension or expulsion will first be attempted with students who are truant,
tardy, or otherwise absent from assigned school activities.

C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Principal or the
Principal’s designee with the student and his or her parent and, whenever practical, the teacher,
supervisor or school employee who referred the student to the Principal. The conference may be
omitted if the Principal or designee determines that an emergency situation exists. An
“emergency situation” involves a clear and present danger to the lives, safety or health of
students or school personnel. If a student is suspended without this conference, both the
parent/guardian and student shall be notified of the student’s right to return to school for the
purpose of a conference.
At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.

This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization.

No penalties may be imposed on a pupil for failure of the pupil’s parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil’s parent or guardian at the conference.

2. Notice to Parents/Guardians

At the time of suspension, the Principal or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

3. Suspension Time Limits/Recommendation for Placement/Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension.

Upon a recommendation of Placement/Expulsion by the Principal or Principal’s designee, the pupil and the pupil’s guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by the Principal or designee upon either of the following determinations: 1) the pupil’s presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil’s suspension will be extended pending the results of an expulsion hearing.

D. Authority to Expel

A student may be expelled either by the Charter School Board of Directors following a hearing before it or by the Charter School Board of Directors upon the recommendation of an Administrative Panel to be assigned by the Board as needed. The Administrative Panel should consist of at least three members who are certificated and neither a teacher of the pupil or a Board member of the Charter School Board of Directors. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.

E. Expulsion Procedures
Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Principal or designee determines that the Pupil has committed an expellable offense.

In the event an administrative panel hears the case, it will make a recommendation to the Charter School Board of Directors for a final decision whether to expel. The hearing shall be held in closed session unless the pupil makes a written request for a public hearing three (3) days prior to the hearing.

Written notice of the hearing shall be forwarded to the student and the student’s parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the pupil. The notice shall include:

1. The date and place of the expulsion hearing;
2. A statement of specific facts, charges and offenses upon which the proposed expulsion is based;
3. A copy of Charter School’s disciplinary rules which relate to the alleged violation;
4. Notification of the student’s or parent/guardian’s obligation to provide information about the student’s status at the school to any other school district or school to which the student seeks enrollment;
5. The opportunity for the student or the student’s parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;
6. The right to inspect and obtain copies of all documents to be used at the hearing;
7. The opportunity to confront and question all witnesses who testify at the hearing;
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student’s behalf including witnesses.

F. Special procedures for Expulsion Hearings Involving Sexual Assault or Battery Offences

The Charter School may, upon finding a good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the Charter School Board of Directors, administrative panel, or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.
1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.

2. The Charter School must also provide the victim a room separate from the hearing room for the complaining witness’ use prior to and during breaks in testimony.

3. At the discretion of the person or panel conducting the hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.

4. The person conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.

5. The person conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.

6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the person presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The person conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.

7. If one or both of the support persons is also a witness, the Charter School must present evidence that the witness’ presence is both desired by the witness and will be helpful to the Charter School. The person presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.

8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.

9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in the public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are not alternative procedures to avoid the threatened
harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing by means of closed-circuit television.

10. Evidence of specific instances of a complaining witness’ prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstances can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

G. Record of Hearing

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.

H. Presentation of Evidence

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense.

Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay and sworn declarations may be admitted as testimony from witnesses of whom the Charter School Board of Directors, Panel or designee determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If, due to a written request by the accused pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public.

The decision of the Administrative Panel shall be in the form of written findings of fact and a written recommendation to the Charter School Board of Directors who will make a final determination regarding the expulsion. The final decision by the Charter School Board of Directors shall be made within ten (10) school days following the conclusion of the hearing. The decision of the Charter School Board of Directors is final.

If the expulsion hearing panel decides not to recommend expulsion, the pupil shall immediately be returned to his/her educational program.
I. Written Notice to Expel

The Principal or designee following a decision of the Charter School Board of Directors to expel shall send written notice of the decision to expel, including the Charter School Board of Directors’ adopted findings of fact, to the student or parent/guardian. This notice shall also include the following:

1. Notice of the specific offense committed by the student
2. Notice of the student’s or parent/guardian’s obligation to inform any new district in which the student seeks to enroll of the student’s status with the Charter School.

The Principal or designee shall send a copy of the written notice of the decision to expel to the student’s district of residence. This notice shall include the following:

1. The student’s name
2. The specific expellable offense committed by the student

J. Disciplinary Records

The Charter School shall maintain records of all student suspensions and expulsions at the Charter School. Such records shall be made available to the District upon request.

K. No Right to Appeal

The pupil shall have no right of appeal from expulsion from the Charter School as the Charter School Board of Directors decision to expel shall be final.

L. Expelled Pupils/Alternative Education

Pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence.

M. Rehabilitation Plans

Students who are expelled from the Charter School shall be given a rehabilitation plan upon expulsion as developed by the Charter School Board of Directors at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one (1) year from the date of expulsion when the pupil may reapply to the Charter School for readmission.

N. Readmission
The decision to readmit a pupil or to admit a previously expelled pupil from another school, school district or charter school shall be in the sole discretion of the Charter School Board of Directors following a meeting with the Principal and the pupil and guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Principal shall make a recommendation to the Charter School Board of Directors following the meeting regarding his or her determination. The pupil’s readmission is also contingent upon the Charter School’s capacity at the time the student seeks readmission.

O. Special Procedures for the Consideration of Suspension and Expulsion of Students with Disabilities

i. Notification of District

The Charter School shall immediately notify the District and coordinate the procedures in this policy with the District the discipline of any student with a disability or student who the Charter School or District would be deemed to have knowledge that the student had a disability who is suspended for more than ten (10) school days during a school year.

ii. Services During Suspension

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and receive, as appropriate, a functional behavioral assessment or functional analysis, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. Theses services may be provided in an interim alternative educational setting.

iii. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the Charter School, the parent, and relevant members of the IEP Team shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

b) If the conduct in question was the direct result of the local educational agency's failure to implement the IEP.
If the Charter School, the parent, and relevant members of the IEP Team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

If the Charter School, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team shall:

a) Conduct a functional behavioral assessment or a functional analysis assessment, and implement a behavioral intervention plan for such child, provided that the Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;

b) If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and

c) Return the child to the placement from which the child was removed, unless the parent and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

If the Charter School, the parent, and relevant members of the IEP team determine that the behavior was not a manifestation of the student’s disability and that the conduct in question was not a result of the failure to implement the IEP, then the Charter School may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

iv. Due Process Appeals

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or the Charter school, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and the Charter School agree otherwise.

v. Special Circumstances
Charter School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

The Principal or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) days without regard to whether the behavior is determined to be a manifestation of the student’s disability in cases where a student:

- Carries or possesses a weapon, as defined in 18 USC 930, to or at school, on school premises, or to or at a school function;
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
- Has inflicted serious bodily injury, as defined by 20 USC 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

vi. Interim Alternative Educational Setting

The student's interim alternative educational setting shall be determined by the student's IEP team.

vii. Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to IDEIA and who has violated the Charter School’s disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the Charter School had knowledge that the student was disabled before the behavior occurred.

The Charter School shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

- The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to Charter School supervisory or administrative personnel, or to one of the child’s teachers, that the student is in need of special education or related services.
- The parent has requested an evaluation of the child.
- The child’s teacher, or other Charter School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other Charter School supervisory personnel.

If the Charter School knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert
any of the protections available to IDEIA-eligible children with disabilities, including the right to stay-put.

If the Charter School had no basis for knowledge of the student’s disability, it shall proceed with the proposed discipline. The Charter School shall conduct an expedited evaluation if requested by the parents; however the student shall remain in the education placement determined by the Charter School pending the results of the evaluation.

The Charter School shall not be deemed to have knowledge of that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.
VII. **FINANCIAL REPORTING AND ACCOUNTABILITY**

**Financial Reporting**

The Charter School shall provide the following reports:

1. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement.

2. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. Additionally, on December 15, a copy of the Charter School’s annual, independent financial audit report for the preceding fiscal year shall be delivered to the State Controller, State Department of Education and County Superintendent of Schools.

3. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31.

4. By September 15, a final non-audited report from the full prior year. The report shall include an annual statement of all the Charter School’s receipts and expenditures for the preceding fiscal year.

**Insurance**

The Charter School shall acquire and finance general liability, workers compensation, and other necessary insurance of the types and in the amounts required for an enterprise of similar purpose and circumstance. The District and the District Governing Board shall be named as additional insured on all policies of the Charter School.

**Administrative Services**

*Governance Law: the manner in which administrative services of the School are to be provided. (Education Code Section 47605(g)).*

The principal will assume the lead responsibility for administering the Charter School under the policies adopted by the Charter School’s Board of Directors. The Charter School will contract with the District or an appropriate third-party for all “back-office” administrative services, including but not limited to financial management, payroll, and budget development.

**Facilities**
Governing Law: the facilities to be utilized by the school. The description of facilities to be used by the charter school shall specify where the school intends to locate. (Education Code Section 47605(g))

The Charter School shall be located at facilities assigned to the Charter School by the District under Proposition 39 or another facility within the boundaries of the District. It shall utilize California Building Standards Code or Field Act compliant facilities in accordance with Education Code Section 47610.

Transportation

No transportation to and from school will be provided for students by the Charter School except as required by law for students with disabilities.

Independent Fiscal Audit

Governing Law: The manner in which an annual, independent financial audit 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—California Education Code Section 47605 (b)(5)(I)

An annual independent fiscal audit of the books and records of the Charter School will be conducted as required under the Charter Schools Act, section 47605(b)(5)(I) and 47605(m). The books and records of the Charter School will be kept in accordance with generally accepted accounting principles, and shall be conducted in accordance with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controllers K-12 Audit Guide.

An audit committee will select an independent auditor through a request for proposal format. The auditor will have, at a minimum, a CPA and educational institution audit experience and shall be included by the State Controller's Office on its published list as an educational audit provider. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in applicable Office of Management and Budget Circulars.

It is anticipated that the annual audit will be completed within four months of the close of the fiscal year and that a copy of the auditor's findings will be forwarded to the District, the County Superintendent of Schools, the State Controller, and to the CDE by the 15th of December of each year. The Principal, along with the audit committee, will review any audit exceptions or deficiencies and report to the Charter School Board of Directors with recommendations on how to resolve them. The Board will submit a report to the District describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the District along with an anticipated timeline for the same.

The independent fiscal audit of the Charter School is a public record to be provided to the public upon request.
Closure Protocol

**Governing Law:** A description of the procedures to be used if the charter School closes. The procedures shall ensure a final audit of the School to determine the disposition of all assets and liabilities of the School, including plans for disposing of any net assets and for the maintenance and transfer of pupil records. (Education Code Section 47605(b)(5)(P))

Closure of the School will be documented by official action of the Board of Directors. The action will identify the reason for closure. The official action will also identify an entity and person or persons responsible for closure-related activities.

The Board of Directors will promptly notify parents and students of the Charter School, the District, the Solano County Office of Education, the School’s SELPA, the retirement systems in which the School’s employees participate (e.g., Public Employees’ Retirement System, State Teachers’ Retirement System, and federal social security), and the California Department of Education of the closure as well as the effective date of the closure. This notice will also include the name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure; the pupils’ school districts of residence; and the manner in which parents/guardians may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.

The Board will ensure that the notification to the parents and students of the Charter School of the closure provides information to assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the Board's decision to close the School.

The Board will also develop a list of pupils in each grade level and the classes they have completed, together with information on the pupils’ districts of residence, which they will provide to the entity responsible for closure-related activities.

As applicable, the School will provide parents, students and the District with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act (“FERPA”) 20 U.S.C. § 1232g. The School will ask the District to store original records of Charter School students. All records of the School shall be transferred to the District upon School closure. If the District will not or cannot store the records, the Charter School shall work with the County Office of Education to determine a suitable alternative location for storage.

All state assessment results, special education records, and personnel records will be transferred to and maintained by the entity responsible for closure-related activities in accordance with applicable law.

As soon as reasonably practical, the School will prepare final financial records. The School will also have an independent audit completed within six months after closure. The School will pay...
for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by the School and will be provided to the District promptly upon its completion. The final audit will include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to the charter school.

The School will complete and file any annual reports required pursuant to Education Code section 47604.33.

On closure of the School, all assets of the School, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending the School, remain the sole property of Charter School and shall be distributed in accordance with the Articles of Incorporation upon the dissolution of the non-profit public benefit corporation to another California public educational entity. Any assets acquired from the District or District property will be promptly returned upon School closure to the District. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

On closure, Charter School shall remain solely responsible for all liabilities arising from the operation of the School.

As the Charter School is operated by a non-profit public benefit corporation, should the corporation dissolve with the closure of the School, the Board will follow the procedures set forth in the California Corporations Code for the dissolution of a non-profit public benefit corporation and file all necessary filings with the appropriate state and federal agencies.

Charter School will utilize its reserve fund to undertake any expenses associated with the closure procedures identified above.
VIII. IMPACT ON THE DISTRICT

_Governing Law:_ Potential civil liability effects, if any, upon the school and upon the District. (Education Code Section 47605(g)

_Potential Civil Liability Effects_

**Intent**

This statement is intended to fulfill the terms of Education Code Section 47605(g) and provides information regarding the proposed operation and potential effects of the Charter School on the District.

**Civil Liability**

The Charter School shall be operated by Dixon Montessori Charter School, Inc., a California non-profit public benefit corporation. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code Section 23701d. The specific purposes for which the corporation is organized are for the operation of a California public charter school for educational services in accordance with the Education Code Section 47600, et seq.

Pursuant to Education Code Section 47604(c), an entity that grants a charter to a charter school operated by or as a non-profit public benefit corporation shall not be liable for the debts or obligations of the Charter School or for claims arising from the performance of acts, errors or omissions by the Charter School if the authority has complied with all oversight responsibilities required by law. As stated above in the Governance section, the Dixon Montessori Charter School’s Articles of Incorporation and bylaws are attached as Appendix 1. The Charter School shall work diligently to assist the CDE in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other requested protocol.

Further, Charter School and the District shall enter into a memorandum of understanding, wherein Charter School shall indemnify the District for the actions of the Charter School under this charter.

The corporate bylaws of Charter School shall provide for indemnification of the Charter School’s Board of Directors, officers, agents, and employees, and the Charter School will purchase general liability insurance, Directors and Officers insurance, and fidelity bonding to secure against financial risks.

As stated above, insurance amounts will be determined by recommendation of Charter School’s insurance company for schools of similar size, location, and student population. Dixon Unified shall be named an additional insured on the general liability insurance of the Charter School.

The Board of Directors of Charter School will institute appropriate risk management practices, including screening of employees, establishing codes of conduct for students, and dispute resolution.
IX. **CONCLUSION**

By approving this renewal charter, the State Board of Education will be fulfilling the intent of the Charter Schools Act of 1992 to improve pupil learning; increase learning opportunities for all pupils with special emphasis on expanded learning opportunities for all pupils who are identified as academically low achieving; create new professional opportunities for teachers; and provide parents and pupils with expanded choices in education and following the directive of law to encourage the creation of charter schools. The Petitioners pledge to work cooperatively with the CDE to answer any concerns over this document. The Charter School shall be considered renewed as of the date of charter renewal approval. The term of the charter shall expire on June 30, 2015. Renewal of the charter shall be governed by the standards and criteria in Education Code Section 47605 and Education 47607 as applicable.
### Dixon Montessori Charter School & Enrollment Cap Increase Request - Financial Projections & BUDGET SUMMARY &

<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Year of Charter Term:</td>
<td>Year 2</td>
<td>Year 3</td>
<td>Year 4</td>
<td>Year 5</td>
</tr>
<tr>
<td>Projected Enrollment:</td>
<td>294</td>
<td>367</td>
<td>412</td>
<td>432</td>
</tr>
<tr>
<td>Projected P-2 ADA:</td>
<td>285.18</td>
<td>348.65</td>
<td>391.40</td>
<td>410.40</td>
</tr>
</tbody>
</table>

### Revenues:
- Revenue Limit: $1,454,686, $1,790,435, $2,014,068, $2,114,882
- Federal Revenue: 118,257, 83,870, 94,604, 102,314
- Other State Revenue: 326,588, 396,970, 445,576, 467,763
- Other Local Revenue: - , - , - , -

**TTL Revenues:**
- $1,899,530, $2,271,275, $2,554,249, $2,684,960

### Expenditures:
- Certificated Salaries: $931,066, $1,046,107, $1,161,263, $1,190,295
- Non-certificated Salaries: 401,913, 411,961, 450,092, 461,344
- Benefits: 332,592, 362,495, 399,004, 408,979
- Books/Supplies/Materials: 75,000, 97,125, 102,803, 110,498
- Services/Operations: 291,489, 304,204, 315,921, 331,156
- Capital Outlay: - , - , - , -
- Other Outgo: 25,908, 27,882, 28,342, 29,449

**TTL Expenditures:**
- $2,057,967, $2,249,774, $2,457,425, $2,531,722

### Net Income
- $(158,437), $21,501, $96,823, $153,238

### Beginning Balance July 1
- $290,375, $131,938, $153,439, $250,262

### Ending Balance June 30
- $131,938, $153,439, $250,262, $403,500

**Ending Balance as % of Exp.:** 6.4%, 6.8%, 10.2%, 15.9%
Year of Charter: Year 2* Year 3 Year 4 Year 5 &

<table>
<thead>
<tr>
<th>Total K-3 Enrollment</th>
<th>168</th>
<th>192</th>
<th>192</th>
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<tbody>
<tr>
<td>Total 4-6 Enrollment</td>
<td>87</td>
<td>122</td>
<td>144</td>
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<tr>
<td>Total 7-8 Enrollment</td>
<td>39</td>
<td>53</td>
<td>76</td>
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<td>367</td>
<td>412</td>
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### Kindergarten

<table>
<thead>
<tr>
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<th>24</th>
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</thead>
<tbody>
<tr>
<td>Number of Classes</td>
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<td>TTL Kinder Enrollment</td>
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### Grade 1

<table>
<thead>
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<th>Students per Class</th>
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<tbody>
<tr>
<td>Number of Classes</td>
<td>2</td>
<td>2</td>
<td>2</td>
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<tr>
<td>TTL Grade 1 Enrollment</td>
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### Grade 2

<table>
<thead>
<tr>
<th>Students per Class</th>
<th>18</th>
<th>24</th>
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<tbody>
<tr>
<td>Number of Classes</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>TTL Grade 2 Enrollment</td>
<td>36</td>
<td>48</td>
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### Grade 3

<table>
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<th>24</th>
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<tbody>
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<td>2</td>
<td>2</td>
<td>2</td>
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<tr>
<td>TTL Grade 3 Enrollment</td>
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### Grade 4

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<tbody>
<tr>
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<td>2</td>
<td>2</td>
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### Grade 5

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</thead>
<tbody>
<tr>
<td>Number of Classes</td>
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<td>2</td>
<td>2</td>
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<tr>
<td>TTL Grade 5 Enrollment</td>
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### Grade 6

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<tr>
<th>Students per Class</th>
<th>19.5</th>
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<tr>
<td>TTL Grade 6 Enrollment</td>
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<td>Number of Classes</td>
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<td>2</td>
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<tr>
<td>TTL Grade 7 Enrollment</td>
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<td>40</td>
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### Grade 8

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<tbody>
<tr>
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<td>2</td>
<td>2</td>
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<tr>
<td>TTL Grade 8 Enrollment</td>
<td>13</td>
<td>13</td>
<td>40</td>
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* Year 2 enrollment projections shown here are from 11-12 Final Budget
## Dixon Montessori Charter School
### Enrollment Cap Increase Request - Financial Projections &
### MULTI-YEAR PROJECTION

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Projected Enrollment:</td>
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<tr>
<td>2011-12</td>
<td>294</td>
<td>367</td>
<td>412</td>
<td>432</td>
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<tr>
<td>Projected P-2 ADA:</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2011-12</td>
<td>285.18</td>
<td>348.65</td>
<td>391.40</td>
<td>410.40</td>
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### REVENUES

<table>
<thead>
<tr>
<th>Revenue Limit Sources</th>
<th>2011-12</th>
<th>2012-13</th>
<th>2013-14</th>
<th>2014-15</th>
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<tbody>
<tr>
<td>8015 - General Purpose Block Grant</td>
<td>$1,032,286</td>
<td>$1,274,025</td>
<td>$1,434,338</td>
<td>$1,507,010</td>
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<td>8096 - Funding in Lieu of Property Taxes</td>
<td>422,400</td>
<td>516,410</td>
<td>579,730</td>
<td>607,872</td>
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<td><strong>TTL Revenue Limit Sources</strong></td>
<td>$1,454,686</td>
<td>$1,790,435</td>
<td>$2,014,068</td>
<td>$2,114,882</td>
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<tr>
<td>Federal Revenue</td>
<td></td>
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<tr>
<td>8290 - NCLB Title I-V Participation</td>
<td>$3,000</td>
<td>$37,500</td>
<td>$42,000</td>
<td>$46,500</td>
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<tr>
<td>8181 - IDEA Special Education Funding</td>
<td>40,257</td>
<td>46,370</td>
<td>52,604</td>
<td>55,814</td>
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<tr>
<td>8290 - PCSGP Implementation Grant</td>
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<tr>
<td><strong>TTL Federal Revenue</strong></td>
<td>118,257</td>
<td>83,870</td>
<td>94,604</td>
<td>102,314</td>
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<tr>
<td>Other State Revenue</td>
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<td>8434 - K-3 Class Size Reduction</td>
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<td>8560 - State Lottery Revenue</td>
<td>37,073</td>
<td>45,063</td>
<td>50,588</td>
<td>53,044</td>
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<td>8590 - Special Education Revenues</td>
<td>117,209</td>
<td>154,163</td>
<td>174,885</td>
<td>184,680</td>
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<td>8590 - Add'l State Revenues</td>
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<td>197,744</td>
<td>220,102</td>
<td>230,039</td>
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<td><strong>TTL Other State Revenue</strong></td>
<td>326,588</td>
<td>396,970</td>
<td>445,576</td>
<td>467,763</td>
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<tr>
<td>Other Local Revenue</td>
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<tr>
<td>8660 - Interest</td>
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<tr>
<td>8791 - Special Education Revenues</td>
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<td>8699 - Local Donations/Contributions/Other</td>
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<tr>
<td><strong>TTL Other Local Revenue</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
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</tr>
<tr>
<td><strong>TTL REVENUES</strong></td>
<td>$1,899,530</td>
<td>$2,271,275</td>
<td>$2,554,249</td>
<td>$2,684,960</td>
</tr>
</tbody>
</table>
## Dixon Montessori Charter School &
## Enrollment Cap Increase Request - Financial Projections &
## MULTI-YEAR PROJECTION

<table>
<thead>
<tr>
<th></th>
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<tr>
<td><strong>EXPENDITURES</strong></td>
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<tr>
<td><strong>1000 - Certificated Salaries</strong></td>
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<tr>
<td>1100 - Teachers’ Salaries</td>
<td>$693,074</td>
<td>$795,574</td>
<td>$898,074</td>
<td>$920,526</td>
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<tr>
<td>1130 - Certificated Subs</td>
<td>6,000</td>
<td>6,887</td>
<td>7,775</td>
<td>7,969</td>
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<tr>
<td>1150 - Certificated Stipends/Extra Duty</td>
<td>14,400</td>
<td>16,530</td>
<td>18,660</td>
<td>19,126</td>
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<td>1160 - Certificated Electives</td>
<td>26,928</td>
<td>30,910</td>
<td>34,893</td>
<td>35,765</td>
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<td>1170 - Certificated In-lieu Health Ins. Stipend</td>
<td>6,309</td>
<td>7,242</td>
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<tr>
<td>1200 - Certificated Support Salaries</td>
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<td>1300 - Certificated Supervisory/Admin</td>
<td>184,354</td>
<td>188,963</td>
<td>193,687</td>
<td>198,529</td>
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<tr>
<td>1900 - Other Certificated Salaries</td>
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<td><strong>2000 - Non-Certificated Salaries</strong></td>
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<tr>
<td>2100 - Instructional Aide Salaries</td>
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<td>$219,216</td>
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<td>2400 - Clerical/Tech/Office Staff</td>
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<td>111,293</td>
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<td><strong>3000 - Employee Benefits</strong></td>
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<td>3101 - STRS Certificated</td>
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<td>4,967</td>
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<td>3202 - PERS Classified</td>
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<td>27,972</td>
<td>30,561</td>
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<td>3301 - Soc. Sec/Medicare Certificated</td>
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<td>18,052</td>
<td>20,039</td>
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<td>3302 - Soc. Sec/Medicare Classified</td>
<td>27,013</td>
<td>27,689</td>
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<td>3401 - Health Insurance Benefits - Cert</td>
<td>59,647</td>
<td>67,017</td>
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<td>3402 - Health Insurance Benefits - Class</td>
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<td>17,993</td>
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<td>4100 - Textbooks &amp; Reference Material</td>
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<td>4310 - Student Instructional Materials</td>
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<td>4320 - Office Supplies</td>
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<td>12,300</td>
<td>12,608</td>
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<tr>
<td>4400 - Noncapitalized Equipment</td>
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<td>10,000</td>
<td>10,250</td>
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<td>4700 - Food</td>
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<td><strong>TTL Books/Supplies/Materials</strong></td>
<td>$75,000</td>
<td>$97,125</td>
<td>$102,803</td>
<td>$110,498</td>
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</table>
## Dixon Montessori Charter School
### Enrollment Cap Increase Request - Financial Projections &
#### MULTI-YEAR PROJECTION

<table>
<thead>
<tr>
<th>Year of Charter:</th>
<th>YEAR 2 Budget</th>
<th>YEAR 3 Budget</th>
<th>YEAR 4 Budget</th>
<th>YEAR 5 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5000 - Services &amp; Operations</strong></td>
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<tr>
<td>5200 - Travel and Conferences</td>
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<td>$5,125</td>
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<td>5300 - Dues and Memberships</td>
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<td>2,050</td>
<td>2,101</td>
<td>2,154</td>
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<tr>
<td>5400 - Liability Insurance</td>
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<td>15,375</td>
<td>15,759</td>
<td>16,153</td>
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<td>5500 - Operation and Housekeeping Service</td>
<td>2,500</td>
<td>2,563</td>
<td>2,627</td>
<td>2,692</td>
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<tr>
<td>5510 - Utilities</td>
<td>30,646</td>
<td>32,485</td>
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<tr>
<td>5600 - Site Rent</td>
<td>85,342</td>
<td>92,000</td>
<td>97,500</td>
<td>105,000</td>
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<tr>
<td>5620 - Copier/Equip Leases</td>
<td>1,500</td>
<td>1,538</td>
<td>1,576</td>
<td>1,615</td>
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<td>5630 - Maintenance &amp; Repair</td>
<td>1,500</td>
<td>1,538</td>
<td>1,576</td>
<td>1,615</td>
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<td>5800 - Professional/Consulting Services</td>
<td>20,000</td>
<td>20,500</td>
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<td>5810 - Legal</td>
<td>8,000</td>
<td>2,000</td>
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<td>5820 - Audit/CPA Costs</td>
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<td>5825 - DMS Business Services</td>
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<td>89,000</td>
<td>91,000</td>
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<td>5840 - Advertisement</td>
<td>1,000</td>
<td>1,025</td>
<td>1,051</td>
<td>1,077</td>
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<td>5860 - Bank Fees</td>
<td>2,000</td>
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<td>5870 - Livescan (Fingerprinting)</td>
<td>2,750</td>
<td>2,819</td>
<td>2,889</td>
<td>2,961</td>
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<td>5880 - Instructional Consultants</td>
<td>7,000</td>
<td>7,175</td>
<td>7,354</td>
<td>7,538</td>
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<td>5900 - Communications/IT</td>
<td>15,000</td>
<td>15,375</td>
<td>15,759</td>
<td>16,153</td>
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<tr>
<td>5910 - Telecom/Internet Expense</td>
<td>3,000</td>
<td>3,075</td>
<td>3,152</td>
<td>3,231</td>
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<td>5930 - Postage</td>
<td>500</td>
<td>513</td>
<td>525</td>
<td>538</td>
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<tr>
<td><strong>TTL Services &amp; Operations</strong></td>
<td>$291,489</td>
<td>$304,204</td>
<td>$315,921</td>
<td>$331,156</td>
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<td><strong>6000 - Capital Outlay</strong></td>
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<tr>
<td>6900 - Depreciation</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
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<tr>
<td><strong>TTL Capital Outlay</strong></td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
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<tr>
<td><strong>7000 - Other Outgo</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>7299 - District Oversight Fee</td>
<td>$15,908</td>
<td>$19,882</td>
<td>$22,342</td>
<td>$23,449</td>
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<td>7438 - Interest</td>
<td>10,000</td>
<td>8,000</td>
<td>6,000</td>
<td>6,000</td>
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<td><strong>TTL Other Outgo</strong></td>
<td>$25,908</td>
<td>$27,882</td>
<td>$28,342</td>
<td>$29,449</td>
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<tr>
<td><strong>TTL EXPENDITURES</strong></td>
<td>$2,057,967</td>
<td>$2,249,774</td>
<td>$2,457,425</td>
<td>$2,531,722</td>
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</table>

| Revenues less Expenditures | $1,58,437 | $21,501 | $96,823 | $153,238 |
| Beginning Fund Balance | $290,375 | $131,938 | $153,439 | $250,262 |
| Net Revenues | $158,437 | 21,501 | $96,823 | $153,238 |
| **ENDING BALANCE** | $131,938 | $153,439 | $250,262 | $403,500 |
| **ENDING BALANCE AS % OF OUTGO** | 6.41% | 6.82% | 10.18% | 15.94% |
### 2011-12 (Year 2 of Charter) Net State Funding COLA over prior year = 0.00%

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<thead>
<tr>
<th>General Purpose Entitlement</th>
<th>$/ADA</th>
<th>ADA</th>
<th>Subtotal</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Purpose Entitlement</td>
<td>$ &amp; 5,049</td>
<td>162.96</td>
<td>$ 822,785</td>
</tr>
<tr>
<td>Grades K-3</td>
<td>5,125</td>
<td>84.39</td>
<td>432,499</td>
</tr>
<tr>
<td>Grades 7-8</td>
<td>5,271</td>
<td>37.83</td>
<td>199,402</td>
</tr>
<tr>
<td>Grades 9-12</td>
<td>6,116</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total General Purpose Entitlement</td>
<td>285.18</td>
<td>-</td>
<td>$ 1,454,686</td>
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<tr>
<td>Local In-Lieu-Of Property Tax Portion of GPE:</td>
<td>$ 1,481.17</td>
<td>285.18</td>
<td>$ 422,400.06</td>
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<tr>
<td>Remaining State Aid Portion of GPE:</td>
<td>5,049</td>
<td>162.96</td>
<td>822,785</td>
</tr>
<tr>
<td></td>
<td>5,125</td>
<td>84.39</td>
<td>432,499</td>
</tr>
<tr>
<td></td>
<td>5,271</td>
<td>37.83</td>
<td>199,402</td>
</tr>
<tr>
<td></td>
<td>6,116</td>
<td>-</td>
<td>-</td>
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<tr>
<td>TOTAL GENERAL PURPOSE ENTITLEMENT</td>
<td>-</td>
<td>-</td>
<td>$ 1,454,685.72</td>
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### FEDERAL REVENUES

<table>
<thead>
<tr>
<th>Federal Revenues</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Title I Funding</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Title II Part A</td>
<td>2,000</td>
<td>-</td>
</tr>
<tr>
<td>Title III LEP</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Title IV Part A</td>
<td>1,000</td>
<td>-</td>
</tr>
<tr>
<td>Title V Part A</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total Federal Title I-V Funding:</td>
<td>3,000.00</td>
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</table>

### OTHER FEDERAL REVENUES

<table>
<thead>
<tr>
<th>Other Federal Revenues</th>
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</thead>
<tbody>
<tr>
<td>PCSGP Startup/Implementation Grant</td>
<td>75,000.00</td>
</tr>
<tr>
<td>Federal Special Education Funding (IDEA)</td>
<td>40,256.92</td>
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<tr>
<td>ARRA SFSF Funding</td>
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<td>Total Other Federal Revenues:</td>
<td>115,256.92</td>
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### TOTAL FEDERAL REVENUES

<table>
<thead>
<tr>
<th>$</th>
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</thead>
<tbody>
<tr>
<td>118,256.92</td>
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### OTHER STATE REVENUES

<table>
<thead>
<tr>
<th>Other State Revenues</th>
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</tr>
</thead>
<tbody>
<tr>
<td>K-3 Class Size Reduction:</td>
<td>-</td>
</tr>
<tr>
<td>Categorical Block Grant (Main)</td>
<td>113,003</td>
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<tr>
<td>plus: In-Lieu-Of EIA Portion of CBG:</td>
<td>23,085</td>
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<tr>
<td>Total Categorical Block Grant:</td>
<td>136,087.57</td>
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<tr>
<td>Non-Prop 20 Lottery (using P-2 ADA)</td>
<td>32,082.75</td>
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<td>Prop 20 Lottery (using P-2 ADA):</td>
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<td>Additional Other State Revenues</td>
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<tr>
<td>Supplemental Categorical Grant ($127/ADA)</td>
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<tr>
<td>State Special Education Funding (AB602)</td>
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<td>Total Additional Other State Revenues:</td>
<td>293,252.20</td>
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### TOTAL OTHER STATE REVENUES

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<tr>
<td>326,587.81</td>
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### OTHER LOCAL REVENUES

<table>
<thead>
<tr>
<th>Other Local Revenues</th>
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<tbody>
<tr>
<td>Interest Earnings: &amp;</td>
<td>-</td>
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<tr>
<td>Additional Other Local Revenues &amp;</td>
<td>-</td>
</tr>
<tr>
<td>Local Donations/Contributions &amp;</td>
<td>-</td>
</tr>
<tr>
<td>Other (Describe)</td>
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<tr>
<td>Total Additional Other Local Revenues: &amp;</td>
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</table>

### TOTAL OTHER LOCAL REVENUES

<table>
<thead>
<tr>
<th>$</th>
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<tbody>
<tr>
<td>-</td>
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</tbody>
</table>

### TOTAL REVENUES

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<tbody>
<tr>
<td>1,899,530.45</td>
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</table>

---

**Dixon Montessori Charter School &**

**Enrollment Cap Increase Request - Financial Projections &**

**FUNDING CALCULATIONS &**
### 2012-13 (Year 3 of Charter)

#### General Purpose Entitlement

<table>
<thead>
<tr>
<th>Entitlement</th>
<th>$/ADA</th>
<th>ADA</th>
<th>Subtotal</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Purpose Entitlement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grades K-3</td>
<td>$ &amp; 5,077</td>
<td>182.40</td>
<td>$ 926,045</td>
</tr>
<tr>
<td>Grades 4-6</td>
<td>5,153</td>
<td>115.90</td>
<td>597,233</td>
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<tr>
<td>Grades 7-8</td>
<td>5,306</td>
<td>50.35</td>
<td>267,157</td>
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<tr>
<td>Grades 9-12</td>
<td>6,148</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total General Purpose Entitlement</strong></td>
<td></td>
<td></td>
<td>$ 1,790,435</td>
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#### Local In-Lieu-Of Property Tax Portion of GPE:

<table>
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<tr>
<th>Portion of GPE</th>
<th>$</th>
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<tbody>
<tr>
<td>Remaining State Aid Portion of GPE</td>
<td>1,481.17</td>
<td>348.65</td>
<td>$ 516,409.92</td>
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<td><strong>Total General Purpose Entitlement</strong></td>
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<td>$ 1,790,434.60</td>
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#### Federal Revenues

<table>
<thead>
<tr>
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<th>Funding</th>
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<tbody>
<tr>
<td>Title I Funding</td>
<td>$</td>
<td>37,500</td>
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<tr>
<td>Title II Part A &amp;</td>
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<td>-</td>
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<tr>
<td>Title III LEP &amp;</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>Title IV Part A &amp;</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>Title V Part A &amp;</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Federal Title I-V Funding:</strong></td>
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<td>37,500.00</td>
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#### Other Federal Revenues &

<table>
<thead>
<tr>
<th>Source</th>
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</tr>
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<tbody>
<tr>
<td>PCSGP Startup/Implementation Grant</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Federal Special Education Funding (IDEA)</td>
<td>$</td>
<td>46,370.45</td>
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<tr>
<td>Other (describe)</td>
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<td><strong>Total Other Federal Revenues:</strong></td>
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<td>46,370.45</td>
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#### Other State Revenues

<table>
<thead>
<tr>
<th>Source</th>
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<tbody>
<tr>
<td>K-3 Class Size Reduction:</td>
<td></td>
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</tr>
<tr>
<td>Categorical Block Grant (Main)</td>
<td>$</td>
<td>396</td>
<td>348.65</td>
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<tr>
<td>plus: In-Lieu-Of EIA Portion of CBG</td>
<td>$</td>
<td>308</td>
<td>50.00</td>
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<tr>
<td><strong>Total Categorical Block Grant:</strong></td>
<td></td>
<td></td>
<td>153,465.40</td>
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<td>Non-Prop 20 Lottery (using P-2 ADA)</td>
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<td>111.75</td>
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<tr>
<td>Prop 20 Lottery (using P-2 ADA):</td>
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<td>17.50</td>
<td>348.65</td>
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<td><strong>Total Additional Other State Revenues:</strong></td>
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<td>198,441.12</td>
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#### Total Revenues

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Interest Earnings: &amp;</td>
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<td>-</td>
</tr>
<tr>
<td>Additional Other Local Revenues &amp;</td>
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<td>-</td>
</tr>
<tr>
<td>Local Donations/Contributions &amp;</td>
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<td>-</td>
</tr>
<tr>
<td>Other (Describe)</td>
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<tr>
<td><strong>Total Additional Other Local Revenues:</strong></td>
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<tr>
<td><strong>Total Revenues</strong></td>
<td></td>
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<td>$ 2,271,274.58</td>
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</table>
### FUNDING CALCULATIONS

**2013-14 (Year 4 of Charter)**

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<th>ADA</th>
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</thead>
<tbody>
<tr>
<td>Grades K-3</td>
<td>$ &amp; 5,077</td>
<td>182.40</td>
<td>$926,045</td>
</tr>
<tr>
<td>Grades 4-6</td>
<td>5,153</td>
<td>136.80</td>
<td>704,930</td>
</tr>
<tr>
<td>Grades 7-8</td>
<td>5,306</td>
<td>72.20</td>
<td>383,093</td>
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<tr>
<td>Grades 9-12</td>
<td>6,148</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total General Purpose Entitlement</strong></td>
<td>391.40</td>
<td>2,014,068</td>
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</tr>
<tr>
<td>Local In-Lieu-Of Property Tax Portion of GPE:</td>
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<td>391.40</td>
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<tr>
<td>Remaining State Aid Portion of GPE:</td>
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<tr>
<td><strong>TOTAL GENERAL PURPOSE ENTITLEMENT</strong></td>
<td>$ 2,014,068.40</td>
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</tbody>
</table>

**FEDERAL REVENUES**

| Title I Funding | $ 42,000 |
| Title II Part A & | - |
| Title III LEP & | - |
| Title IV Part A & | - |
| Title V Part A & | - |
| **Total Federal Title I-V Funding: &** | 42,000.00 |
| Other Federal Revenues & | |
| PCSGP Startup/Implementation Grant & | - |
| Federal Special Education Funding (IDEA) | $ 52,604.16 |
| Other (describe) | - |
| **Total Other Federal Revenues: &** | 52,604.16 |
| **TOTAL FEDERAL REVENUES** | $ 94,604.16 |

**OTHER STATE REVENUES**

| K-3 Class Size Reduction: | - |
| Categorical Block Grant (Main) | $ 396 | 391.40 | $ 154,994 |
| plus: In-Lieu-Of EIA Portion of CBG: | $ 308 | 50.00 | 15,400 |
| **Total Categorical Block Grant:** | 170,394.40 |
| Non-Prop 20 Lottery (using P-2 ADA) | $ 111.75 | 391.40 | $ 43,739 |
| Prop 20 Lottery (using P-2 ADA): | $ 17.50 | 391.40 | 6,850 |
| **$ 50,588.45** |
| Additional Other State Revenues | |
| Supplemental Categorical Grant ($127/ADA) | $ 49,707.80 |
| State Special Education Funding (AB602) | 174,885.35 |
| **Total Additional Other State Revenues:** | 224,593.15 |
| **TOTAL OTHER STATE REVENUES** | $ 445,576.00 |

**OTHER LOCAL REVENUES**

| Interest Earnings: & | - |

| Additional Other Local Revenues & |
| Local Donations/Contributions & | $ - |
| Other (Describe) | - |
| **Total Additional Other Local Revenues:** | - |
| **TOTAL OTHER LOCAL REVENUES** | $ - |

**TOTAL REVENUES** | $ 2,554,248.56
## Dixon Montessori Charter School &
Enrollment Cap Increase Request - Financial Projections &
FUNDING CALCULATIONS

### 2014-15 (Year 5 of Charter)

<table>
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</thead>
<tbody>
<tr>
<td>Grades K-3</td>
<td>$5,077</td>
<td>182.40</td>
<td>$926,045</td>
</tr>
<tr>
<td>Grades 4-6</td>
<td>5,153</td>
<td>136.80</td>
<td>704,930</td>
</tr>
<tr>
<td>Grades 7-8</td>
<td>5,306</td>
<td>91.20</td>
<td>483,907</td>
</tr>
<tr>
<td>Grades 9-12</td>
<td>6,148</td>
<td>-</td>
<td>-</td>
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<tr>
<td><strong>Total General Purpose Entitlement</strong></td>
<td>410.40</td>
<td>$2,114,882</td>
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</tbody>
</table>

**Local In-Lieu-Of Property Tax Portion of GPI:** $1,481.17 410.40 $607,872.17 1,507,010.23

### TOTAL GENERAL PURPOSE ENTITLEMENT $2,114,882.40

### FEDERAL REVENUES

- **Title I Funding:** $46,500
- **Title II Part A:** -
- **Title III LEP:** -
- **Title IV Part A:** -
- **Title V Part A:** -
- **Total Federal Title I-V Funding:** 46,500.00

**Other Federal Revenues**

- PCSGP Startup/Implementation Grant $-
- Federal Special Education Funding (IDEA) $55,814.40
- Other (describe) -
- **Total Other Federal Revenues:** 55,814.40

**TOTAL FEDERAL REVENUES $102,314.40

### OTHER STATE REVENUES

- **K-3 Class Size Reduction:** $-
- Categorical Block Grant (Main) $396 410.40 $162,518
- plus: In-Lieu-Of EIA Portion of CBG: $308 50.00 $15,400
- **Total Categorical Block Grant:** 177,918.40

- **Non-Prop 20 Lottery (using P-2 ADA)** $111.75 410.40 $45,862
- **Prop 20 Lottery (using P-2 ADA):** 17.50 410.40 $7,182
- **$53,044.20

**Additional Other State Revenues**

- Supplemental Categorical Grant ($127/ADA) $52,120.80
- State Special Education Funding (AB602) $184,680.00
- **Total Additional Other State Revenues:** 236,800.80

**TOTAL OTHER STATE REVENUES $467,763.40

### OTHER LOCAL REVENUES

- **Interest Earnings:** $-

**Additional Other Local Revenues**

- Local Donations/Contributions $-
- Other (Describe) -
- **Total Additional Other Local Revenues:** -

**TOTAL OTHER LOCAL REVENUES $-

**TOTAL REVENUES $2,684,960.20**
## Table 1: 2011 Demographic Data

<table>
<thead>
<tr>
<th>School Name</th>
<th>Dixon Montessori Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>48766610122267</td>
</tr>
<tr>
<td>Student Enrollment</td>
<td>214</td>
</tr>
<tr>
<td>% Black or African American</td>
<td>0.9</td>
</tr>
<tr>
<td>% American Indian or Alaska Native</td>
<td>0</td>
</tr>
<tr>
<td>% Asian</td>
<td>2.8</td>
</tr>
<tr>
<td>% Filipino</td>
<td>0.5</td>
</tr>
<tr>
<td>% Hispanic or Latino</td>
<td>29.9</td>
</tr>
<tr>
<td>% Native Hawaiian or Pacific Islander</td>
<td>0.9</td>
</tr>
<tr>
<td>% White</td>
<td>57.9</td>
</tr>
<tr>
<td>% Two or More Races</td>
<td>6.5</td>
</tr>
<tr>
<td>% Socioeconomically Disadvantaged</td>
<td>20.6</td>
</tr>
<tr>
<td>% English Learners</td>
<td>10.7</td>
</tr>
<tr>
<td>% Students with Disabilities</td>
<td>7.5</td>
</tr>
</tbody>
</table>

Data source used "DMDSQL1.EDdemo2.vwSSIDenroll"
# 2011 Truancy, Suspension, and Expulsion

<table>
<thead>
<tr>
<th>School Name</th>
<th>Dixon Montessori Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>48766610122267</td>
</tr>
<tr>
<td>Enrollment</td>
<td>214</td>
</tr>
<tr>
<td>Truancy Number (Rate)</td>
<td>4(1.9)</td>
</tr>
<tr>
<td>Suspension Number (Rate)</td>
<td>0(0)</td>
</tr>
<tr>
<td>Expulsion Number (Rate)</td>
<td>0(0)</td>
</tr>
</tbody>
</table>

Data source was a provided spreadsheet "umirs1011.xls"
### Table 3. Academic Performance Index (API) Growth

<table>
<thead>
<tr>
<th>School Name</th>
<th>Dixon Montessori Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>48766610122267</td>
</tr>
<tr>
<td>API Growth for 2010-11</td>
<td>B</td>
</tr>
<tr>
<td>API Growth for 2009-10</td>
<td>-</td>
</tr>
<tr>
<td>API Growth for 2008-09</td>
<td>-</td>
</tr>
<tr>
<td>API Growth for 2007-08</td>
<td>-</td>
</tr>
</tbody>
</table>

Data source used "API08gdb.dbf, API09gdb.dbf, API10gdb.dbf, API11gdb.dbf"
California Department of Education

Dixon Montessori Data Tables

<table>
<thead>
<tr>
<th>School Name</th>
<th>Dixon Montessori Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>48766610122267</td>
</tr>
<tr>
<td>Valid Scores Schoolwide</td>
<td>131</td>
</tr>
<tr>
<td>Schoolwide</td>
<td>836(B)</td>
</tr>
<tr>
<td>Black or African American</td>
<td>-</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>-</td>
</tr>
<tr>
<td>Asian</td>
<td>-</td>
</tr>
<tr>
<td>Filipino</td>
<td>-</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>-</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>-</td>
</tr>
<tr>
<td>White</td>
<td>-</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>-</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>-</td>
</tr>
<tr>
<td>English Learners</td>
<td>-</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>-</td>
</tr>
<tr>
<td>Statewide/Similar Schools Rank</td>
<td>-</td>
</tr>
</tbody>
</table>

Data source used, "API11gdb.dbf, API10bdb.dbf"

- The Growth API is not displayed when there are less than 11 valid scores
- The student group is not numerically significant, therefore no growth determination was made
California Department of Education                                  Dixon Montessori Data Tables                                Created 1/27/2012

Table 5: 2011 Adequate Yearly Progress (AYP) Data

<table>
<thead>
<tr>
<th>School Name</th>
<th>Dixon Montessori Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>48766610122267</td>
</tr>
<tr>
<td>Met AYP Criteria</td>
<td>No</td>
</tr>
<tr>
<td># Criteria Met/# Criteria Applicable</td>
<td>7/9</td>
</tr>
<tr>
<td>2011-12 Program Improvement (PI) Status</td>
<td>Not Title 1</td>
</tr>
<tr>
<td>2011-12 Program Improvement (PI) Year</td>
<td>NA</td>
</tr>
</tbody>
</table>

Data source used, "APR11adb.dbf, schlpi11.dbf"
## Table 6: 2011 Adequate Yearly Progress (AYP) Data: Percent Proficient in English-Language Arts (ELA)

<table>
<thead>
<tr>
<th>School Name</th>
<th>Dixon Montessori Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>48766610122267</td>
</tr>
<tr>
<td>Number of Valid Scores Schoolwide</td>
<td>131</td>
</tr>
<tr>
<td>Schoolwide (Met Target)</td>
<td>61.8 (No)</td>
</tr>
<tr>
<td>Black or African American (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>American Indian or Alaska Native (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Asian (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Filipino (Met Target)</td>
<td>-</td>
</tr>
</tbody>
</table>
| Hispanic or Latino (Met Target) | 63.4 (--)
| Native Hawaiian or Pacific Islander (Met Target) | - |
| White (Met Target) | 61.1 (No) |
| Two or More Races (Met Target) | - |
| Socioeconomically Disadvantaged (Met Target) | 45.5 (--) |
| English Learners (Met Target) | 33.3 (--) |
| Students with Disabilities (Met Target) | 46.2 (--) |

**Data source used, "APR11adb.dbf, schlpi11.dbf"**

-- Percent proficient is not displayed when there are less than 11 valid scores
(--) The student group is not numerically significant, therefore no AYP determination was made
### Table 7: 2011 Adequate Yearly Progress (AYP) Data: Percent Proficient in Mathematics

<table>
<thead>
<tr>
<th>School Name</th>
<th>Dixon Montessori Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>48766610122267</td>
</tr>
<tr>
<td>Number of Valid Scores Schoolwide</td>
<td>131</td>
</tr>
<tr>
<td>Schoolwide (Met Target)</td>
<td>69.5 (Yes)</td>
</tr>
<tr>
<td>Black or African American (Met Target)</td>
<td></td>
</tr>
<tr>
<td>American Indian or Alaska Native (Met Target)</td>
<td></td>
</tr>
<tr>
<td>Asian (Met Target)</td>
<td></td>
</tr>
<tr>
<td>Filipino (Met Target)</td>
<td></td>
</tr>
<tr>
<td>Hispanic or Latino (Met Target)</td>
<td>70.7 (--)</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander (Met Target)</td>
<td></td>
</tr>
<tr>
<td>White (Met Target)</td>
<td>70.8 (Yes)</td>
</tr>
<tr>
<td>Two or More Races (Met Target)</td>
<td></td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged (Met Target)</td>
<td>40.9 (--)</td>
</tr>
<tr>
<td>English Learners (Met Target)</td>
<td>60.0 (--)</td>
</tr>
<tr>
<td>Students with Disabilities (Met Target)</td>
<td>61.5 (--)</td>
</tr>
</tbody>
</table>

Data source used, "APR11adb.dbf, schlpi11.dbf"

-- Percent proficient is not displayed when there are less than 11 valid scores
(--) The student group is not numerically significant, therefore no AYP determination was made
Western Sierra Collegiate Academy (WSCA) (County-District-School Code 31 76570 0119487), a State Board of Education (SBE) authorized school, has requested a material revision of its charter to expand grade levels served and amend the existing graduation requirements, as referenced in Attachment 1. The current charter authorizes WSCA to serve 550 pupils in grades seven through twelve. Approval of this request will allow WSCA to serve grades six through twelve as well as amend the graduation requirements but will not change the approved number of pupils to be served.

RECOMMENDATION

California Department of Education Recommendation

The California Department of Education (CDE) recommends that the SBE hold a public hearing and approve the request to revise the charter petition to expand grade levels served, revise the graduation requirements, and make minor revisions to reflect new laws since the last approval as required by Education Code (EC) Section 47607(a)(2).

Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools (ACCS) met on February 8, 2012, and voted to recommend approval of the material revision request. As part of its action, the ACCS recommended that the SBE permit WSCA to revise its graduation requirements in the future without a material revision to its charter, as long as the graduation requirements met or exceeded the University of California/California State University a-g requirements. The motion passed unanimously.
BRIEF HISTORY OF KEY ISSUES

On March 12, 2009, the SBE approved the WSCA charter petition to serve grades seven through twelve in a site-based charter school.

The CDE recommends that the SBE approve the revised charter petition (Attachment 4) which reflects the material revision of WSCA charter for the following reasons:

- The current WSCA facilities are safe, Americans with Disabilities Act compliant and sufficient to accommodate estimated student enrollment and to carry out the curricular and instruction program envisioned in the charter.

- WSCA can continue to serve their pupils in grade level configurations more in line with local school districts.

- The curriculum in grade six will follow state standards and the Core Knowledge Curriculum Sequence (CK Sequence), as referenced in Attachment 2. The CK Sequence is currently used in grades seven and eight at WSCA.

- The modifications to the graduation requirements will allow WSCA to serve more transfer students at the high school level. The proposed changes more closely align with the general graduation requirements at local high schools, while maintaining the rigorous “a-g” course curriculum for all students. The specific changes include the following:
  - Reducing the science requirement from four to three years
  - Reducing the foreign language requirement from three to two years
  - Reducing the fine arts requirement from three to two years
  - Increasing the elective requirement from three to six classes

- In the two years of operation as an SBE-authorized charter school, WSCA has fully complied with the terms of the Memorandum of Understanding with the SBE.

- WSCA has been fiscally responsible and solvent. WSCA submitted the first interim report to the CDE by December 15, 2011. This report reflects a positive ending balance for 2011–12 of $622,970.

Current academic data for WSCA is provided in Attachment 3.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

FISCAL ANALYSIS (AS APPROPRIATE)

Operation of WSCA has essentially no fiscal impact on the state as a whole. The CDE receives approximately one percent of WSCA’s general purpose apportionment for CDE’s oversight activities.

ATTACHMENTS

Attachment 1: Western Sierra Collegiate Academy Request for Material Revision and Supporting Documents (9 Pages)

Attachment 2: Western Sierra Collegiate Academy Revised Petition (115 Pages)

Attachment 3: Western Sierra Collegiate Academy Data Tables (8 Pages)
November 1, 2011

Bonnie Galloway, Administrator
Carolyn Zachry, Consultant
Charter Schools Division
California Department of Education
1430 N. Street
Sacramento, CA 95814

Re: Western Sierra Collegiate Academy – Material Revision to Charter

Dear Ms. Galloway and Ms. Zachry:

On behalf of Western Sierra Collegiate Academy (“WSCA”), please find the following documents:

1) This cover letter summarizing our request for a material revision of the charter to reflect an additional grade level, and slightly altered graduation requirements;
2) The Year Long Plan for 6th Grade Academics;
3) A resolution by the Board of Directors of The Rocklin Academy authorizing this request;
4) The WSCA charter with revisions shown in track changes. Changes were made to reflect the substantive changes requested and summarized herein; along with changes to reflect new laws since the last approval as required by Education Code Section 47607.

The following summarizes the content and purpose of the requested revisions:

Proposed Modification of Grade Level – Adding 6th Grade

Western Sierra Collegiate Academy (“WSCA”) serves students from throughout the south Placer County in grades 7-12. The majority of school districts in south Placer County start middle school in the 6th grade (e.g., Dry Creek Joint Elementary School District, Roseville City School District and Western Placer Unified School District (Lincoln). Altering the WSCA charter to allow the option of offering instruction beginning in the 6th grade, provides a benefit to the students it serves by reducing the number of school transitions a student must...
make. Instead of leaving elementary school at 5th grade, enrolling in a middle school for one year and then making a transition to WSCA for grades 7-12, students choosing to attend WSCA will be able move directly from elementary school to WSCA.

Rocklin Academy already offers 6th grade at Rocklin Academy Turnstone and Rocklin Academy at Meyers Street. The 6th grade curriculum is based on state standards and the Core Knowledge Sequence. The instructional methods and assessments used are well established and successful. The same curriculum, instructional methods and assessments will be used at WSCA. The Year Long Plan for 6th Grade Academics is attached, providing a specific overview of academic content taught in the sixth grade by subject area and month. Sixth grade students have achieved outstanding levels of academic success at Rocklin Academy, and we expect similar results by the 6th grade students at WSCA. The chart below shows the high levels of proficiency achieved by Rocklin Academy 6th Grade students.

<table>
<thead>
<tr>
<th>Grade 6</th>
<th>Math</th>
<th>English Language Arts</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>79%</td>
<td>87%</td>
</tr>
<tr>
<td>2010</td>
<td>87%</td>
<td>91%</td>
</tr>
<tr>
<td>2009</td>
<td>80%</td>
<td>78%</td>
</tr>
<tr>
<td>2008</td>
<td>94%</td>
<td>93%</td>
</tr>
<tr>
<td>2007</td>
<td>72%</td>
<td>79%</td>
</tr>
</tbody>
</table>

As a middle and high school, WSCA already addresses the different needs of younger adolescents and older high school students. It does this by physical separation, locating middle school students in specific sections of the school, as well as schedule differences. It also has a different lunch period for each. WSCA staff are also considering the desirability of placing 6th grade students in a self-contained academy structure, where the 6th grade students would spend the majority of their class time in one or two classrooms. At the same time this structure will allow WSCA to offer these students enriched and accelerated learning.

The Core Knowledge Sequence is a detailed outline of specific content to be taught in language arts, history, geography, mathematics, science and the fine arts. It provides a solid, coherent foundation for learning; it is also flexible to meet local needs. The Core Knowledge curriculum is the result of research into the content and structure of the highest performing elementary school systems around the world. Specific content includes language arts, world history and geography, visual art, music, mathematics and science. More information about Core Knowledge is available at the Core Knowledge website www.coreknowledge.org.
opportunities. The WSCA facility offers a science lab, art and music facilities not available at the elementary level, supporting additional learning opportunities and resources to these students.

**Proposed Modification to Graduation Requirements**

Rocklin Academy is requesting slight modifications to the current WSCA graduation requirements in three curricular areas: Science, Foreign Language and Fine Arts. These changes will also increase the number of electives a student will be able to take from three to six.

The proposed changes are important to assure WSCA can appropriately welcome and serve transfer students at the high school level. The current WSCA high school graduation requirements are so rigorous and specific that students who would like to transfer to WSCA as juniors or seniors, and who were on track to get a diploma at their previous school, may not be able to graduate with a diploma from WSCA on time, because they will not be able to meet the graduation requirements specified in the charter. (For example, a student who comes to us in their junior year and has not yet had foreign language would be able to take the first and second level in their junior and senior years at WSCA and still meet the UC requirement for admission. If we had a three year foreign language requirement, the student would be able to meet the UC admission requirement, but not be able to graduate from WSCA. The proposed changes more closely align our general graduation requirements with the local high schools, while fully maintaining the rigorous A-G curriculum for all students.

The proposed changes also more closely align the WSCA graduation requirements with the A-G course requirements in the areas of science and fine arts, with the fine arts requirement still exceeding the A-G requirement by one year. This emphasizes Western Sierra's commitment to the area of fine arts and ensures that students have more than one year of instruction in this important area.

The proposed change in the Foreign Language requirement continues to meets the A-G requirement in this area. The Language Other than English requirement “E” for the UC A-G course list requires 2 years of the same foreign language. WSCA requirements will match this requirement and allow the students to exceed the 2 years if they so choose. They may also be able to choose another foreign language and have two world languages from which to show their academic promise.

The proposed changes benefit students currently attending WSCA by allowing them to meet the A-G requirements and enabling students to take additional high level coursework in chosen subjects their junior and senior years. By more closely aligning the graduation requirements with the A-G requirements, the opportunity for a student to choose up to six A-G approved electives instead of three is created. Under the proposed changes, a student interested in a math/science/engineering major in college will be able to take additional AP math and sciences courses their senior year and still meet the Western Sierra’s graduation requirements. It will also be possible for the school to develop and offer a number of STEM courses, courses of high interest to students. A student who excels in foreign language will have the opportunity to take more years of a single language or have the opportunity to take a
In summary, the proposed graduation requirements will increase the school’s ability to graduate well-rounded, well-prepared students with the skills and knowledge to be successful in college.

The current and proposed graduation requirements are as follows:

<table>
<thead>
<tr>
<th>Department</th>
<th>Current WSCA Requirements (240 Units, 24 courses)</th>
<th>Proposed WSCA Requirements (240 Units, 24 Courses, changes shown in italics)</th>
<th>UC A-G Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Math</td>
<td>4 Years (40 units)</td>
<td>4 Years (40 units)</td>
<td>3 Years required, 4 Recommended</td>
</tr>
<tr>
<td>Science</td>
<td>4 Years – 3 of which are lab science (40 units, 30 of which are lab science)</td>
<td>3 Years, 2 Years <em>lab science</em> (30 units)</td>
<td>2 Years required, 3 Recommended</td>
</tr>
<tr>
<td>Foreign Language</td>
<td>3 Years (30 Units)</td>
<td>2 Years (20 units)</td>
<td>2 Years required, 3 Recommended</td>
</tr>
<tr>
<td>Fine Arts</td>
<td>3 Years (30 Units)</td>
<td>2 Years (20 units)</td>
<td>1 Year required</td>
</tr>
<tr>
<td>Electives</td>
<td>3 Classes (30 Units)</td>
<td>6 Classes (60 Units)</td>
<td>1 Year of preparatory elective</td>
</tr>
<tr>
<td>History/Social Science</td>
<td>3 Years (30 Units)</td>
<td>3 Years (30 Units)</td>
<td>2 Years required</td>
</tr>
<tr>
<td>English</td>
<td>4 Years (40 Units)</td>
<td>4 Years (40 Units)</td>
<td>4 Years required</td>
</tr>
</tbody>
</table>

Thank you for your consideration of our requested material revision. We hope that you will agree that all modifications are in the best interest of students.

If you have any questions or concerns regarding this request, I would be glad to have the opportunity to discuss further.

Sincerely,

David Patterson, Ed.D.
Superintendent/Executive Director

CC: Lisa Corr, Middleton, Young & Minney LLP
Wendy Boyd, Chairwoman, Rocklin Academy Board of Directors
The Rocklin Academy Board of Directors
Resolution No. 10-17-2011

DELEGATION OF AUTHORITY
TO SUPERINTENDENT/EXECUTIVE DIRECTOR
FOR SUBMISSION OF MATERIAL REVISION
TO WESTERN SIERRA COLLEGIATE ACADEMY CHARTER

WHEREAS, the Western Sierra Collegiate Academy ("WSCA") currently serves grades 7-12; and

WHEREAS, the Board of Directors recognizes the pedagogical interest of offering grade 6 in order to accommodate students entering from elementary schools that end in grade 5 to eliminate their need to transition to a new school twice;

WHEREAS, different graduation requirements in surrounding school districts result in some students transitioning into WSCA with the appropriate amount of credits, but without the appropriate courses to support graduation from WSCA; and

WHEREAS, the Board of Directors recognizes the pedagogical interest in ensuring that the WSCA graduation credit requirements continue to remain stringent, but allow for some course flexibility in science, foreign language, fine arts, and electives to allow transferring students to apply prior courses toward WSCA graduation requirements;

NOW, THEREFORE, BE IT RESOLVED that, the Board of Directors hereby authorizes Superintendent David Patterson to submit any and all necessary revisions to the charter to effectuate the changes to the charter described herein, and delegates him as the "lead petitioner" for negotiating with the Authorizer as needed for approval;

BE IT FURTHER RESOLVED that any final decision to add 6th grade to Western Sierra Collegiate Academy will go through the entire decision-making matrix with full stakeholder input including coming back to the board at least two more times for full debate and discussion.

PASSED AND ADOPTED this 17th day of October, 2011.

Wendy Boyd
Chairwoman
Rocklin Academy Board of Directors

ATTEST:

Doug Johnson
Secretary
Rocklin Academy Board of Directors

ORIGINAL IS SIGNED
### 6th Grade
#### Year Long Plan

<table>
<thead>
<tr>
<th>Month</th>
<th>Math</th>
<th>Soc Stud</th>
<th>Literature</th>
<th>Sayings &amp; Phrases</th>
<th>Science</th>
<th>English/Poetry</th>
<th>Vocab</th>
<th>Writing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aug</td>
<td>Topic 2</td>
<td>Christianity &amp; Judaism</td>
<td>Jr. Great Books</td>
<td>All for one and one for all.</td>
<td>Astronomy</td>
<td>Unit 1 - Sentences</td>
<td>Parts of Speech test</td>
<td>Research Report - Deserts</td>
</tr>
<tr>
<td>Topic 2</td>
<td>Christianity &amp; Judaism</td>
<td>Jr. Great Books</td>
<td>A friend in need is a friend indeed.</td>
<td>Astronomy</td>
<td>Unit 1 - Sentences</td>
<td>Vocab of</td>
<td>Research Report - Deserts</td>
<td></td>
</tr>
<tr>
<td>Sept</td>
<td>Topic 3</td>
<td>Christianity &amp; Judaism</td>
<td>Jr. Great Books</td>
<td>Procrastination is the thief of time.</td>
<td>Astronomy</td>
<td>Unit 1 - Sentences</td>
<td>Vocab of</td>
<td>Literary Response Jr. Great</td>
</tr>
<tr>
<td>Topic 3</td>
<td>Gods &amp; Goddesses</td>
<td>Jr. Great Books</td>
<td>A stitch in time saves nine.</td>
<td>Astronomy</td>
<td>Unit 3 - Verbs</td>
<td>Unit 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Topic 4</td>
<td>Ancient Greece</td>
<td>Gods &amp; Goddesses</td>
<td>Money is the root of all evil. Don't look a gift horse in the mouth.</td>
<td>Astronomy</td>
<td>Unit 3 - Verbs</td>
<td>Unit 2</td>
<td>Compare and Contrast - Christianity and Judaism</td>
<td></td>
</tr>
<tr>
<td>Topic 4</td>
<td>Ancient Greece</td>
<td>Tale of Troy</td>
<td>A fool and his money are soon parted.</td>
<td>Astronomy</td>
<td>Unit 3 - Verbs</td>
<td>Unit 3</td>
<td>Narrative - Astronomy?</td>
<td></td>
</tr>
<tr>
<td>Oct</td>
<td>Topic 5</td>
<td>Ancient Greece</td>
<td>Tale of Troy</td>
<td>Give the devil his due.</td>
<td>Astronomy</td>
<td>Unit 5 - Capitalization &amp; Punctuation</td>
<td>Review Units 1-3</td>
<td>Narrative - Astronomy?</td>
</tr>
<tr>
<td>Topic 5</td>
<td>Ancient Greece</td>
<td>Tale of Troy</td>
<td>Tempest in a teapot</td>
<td>Alfred Wegner Biography Plate Tectonics</td>
<td>Unit 5 - Capitalization &amp; Punctuation</td>
<td>Review Units 1-3</td>
<td>Literary Response - Tale of Troy</td>
<td></td>
</tr>
<tr>
<td>Topic 5</td>
<td>Ancient Greece</td>
<td>Tale of Troy</td>
<td>If wishes were horses, beggars would ride.</td>
<td>Plate Tectonics</td>
<td>Unit 5 - Capitalization &amp; Punctuation</td>
<td>Unit 4</td>
<td>Persuasive -</td>
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<tr>
<td>end of Tri I</td>
<td>Topic 6</td>
<td>Ancient Rome</td>
<td>Tale of Troy</td>
<td>Touche. There is more than one way to skin a cat.</td>
<td>Plate Tectonics</td>
<td>Unit 6 - Pronouns</td>
<td>Unit 5</td>
<td>Persuasive -</td>
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</table>
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<thead>
<tr>
<th></th>
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<th>Literature</th>
<th>Sayings &amp; Phrases</th>
<th>Science</th>
<th>English/Poetry</th>
<th>Vocab</th>
<th>Writing</th>
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<td><strong>Nov</strong></td>
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<td>Topic 7</td>
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<td>Ancient Rome</td>
<td>Tale of Troy</td>
<td>RIP Bite the Dust</td>
<td>Plate Tectonics</td>
<td>Unit 6 - Pronouns</td>
<td>Unit 6</td>
<td>Compare and Contrast - Greece and Rome</td>
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<tr>
<td>mini-days all week</td>
<td></td>
<td>Isaac Newton Biography</td>
<td>Prince and The Pauper (Jim Weiss Audio)</td>
<td>Rome wasn't built in a day. Tenderfoot</td>
<td>Plate Tectonics</td>
<td>Unit 6 - Pronouns</td>
<td>Review Units 4-6</td>
<td>Narrative - Sly Park?</td>
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<tr>
<td>Topic 7</td>
<td></td>
<td>Enlightenment</td>
<td>Prince and The Pauper (Jim Weiss Audio)</td>
<td>Catch-as-catch-can. The best laid plans of mice and men oft go awry.</td>
<td>Plate Tectonics</td>
<td>Unit 7 - Prepositional Phrases</td>
<td>Review Units 4-6</td>
<td>Business Letter - Sly Park?</td>
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<tr>
<td>Topic 8</td>
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<td>French Revolution</td>
<td>Prince and The Pauper (Jim Weiss Audio)</td>
<td>Bee in your bonnet.</td>
<td>Plate Tectonics</td>
<td>Unit 7 - Prepositional Phrases</td>
<td>Unit 7</td>
<td>Persuasive - Earthquake Safety?</td>
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<td>Topic 9</td>
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<td>French Revolution</td>
<td>Prince and The Pauper (Jim Weiss Audio)</td>
<td>A bird in the hand is worth two in the bush.</td>
<td>Plate Tectonics</td>
<td>Unit 7 - Prepositional Phrases</td>
<td>Unit 8</td>
<td>Compare and Contrast - Three Estates</td>
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<tr>
<td>Topic 9</td>
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<td>French Revolution</td>
<td>Prince and The Pauper (Jim Weiss Audio)</td>
<td>All's well that ends well.</td>
<td>Plate Tectonics</td>
<td>good/well between/among bring/take accept/except</td>
<td>Unit 9</td>
<td>Literary Response</td>
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<table>
<thead>
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<th>Literature</th>
<th>Sayings &amp; Phrases</th>
<th>Science</th>
<th>English/Poetry</th>
<th>Vocab</th>
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<tr>
<td>Month</td>
<td>Industrialism, Capitalism, &amp; Socialism</td>
<td>Julius Caesar</td>
<td>Hitch your wagon to a star.</td>
<td>Marie Curie Biography Heat &amp; Energy</td>
<td>fewer/less like/as affect/effect</td>
<td>Review Units 7-9</td>
<td>Research Report - Revolution in Textiles</td>
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<tr>
<td>Topic 9</td>
<td>Industrialism, Capitalism, &amp; Socialism</td>
<td>Julius Caesar</td>
<td>He who hesitates is lost.</td>
<td>Heat &amp; Energy</td>
<td>imply/infer principle/principal their/there/they're</td>
<td>Review Units 7-9</td>
<td>Persuasive - Energy Resources</td>
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<td>Topic 10</td>
<td>Industrialism, Capitalism, &amp; Socialism</td>
<td>Julius Caesar</td>
<td>The pot is calling the kettle black.</td>
<td>Heat &amp; Energy</td>
<td>misspelled words #/s 1-12</td>
<td>Unit 10</td>
<td>Compare and Contrast - Capitalism and Socialism</td>
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<tr>
<td>Topic 10</td>
<td>Industrialism, Capitalism, &amp; Socialism</td>
<td>Julius Caesar</td>
<td>Don't lock the stable door after the horse is stolen.</td>
<td>Heat &amp; Energy</td>
<td>misspelled words #/s 13-24</td>
<td>Unit 11</td>
<td>Literary Response Julius Caesar</td>
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<tr>
<td>Feb</td>
<td>Latin America</td>
<td>Julius Caesar</td>
<td>He who laughs last, laughs best. Eat humble pie.</td>
<td>Science Fair</td>
<td>misspelled words #/s 25-36</td>
<td>Unit 12</td>
<td>Literary Response Julius Caesar</td>
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<tr>
<td>End of</td>
<td>Latin America</td>
<td>Jr. Great Books</td>
<td>It's never over until its over.</td>
<td>Science Fair</td>
<td>Latin/Greek Words #/s 1-12</td>
<td>Review Units 10-12</td>
<td>Research Report - Science Fair</td>
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<td>Tri II</td>
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# 6th Grade

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<tr>
<td>Topic 12</td>
<td>Immigration</td>
<td>Roll of Thunder</td>
<td>Good fences make good neighbors.</td>
<td>Science Fair</td>
<td>Latin/Greek Words #’s 13-24</td>
<td>Unit 13</td>
<td>Research Report - Science Fair</td>
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<tr>
<td>mini-days all week</td>
<td></td>
<td></td>
<td>The proof of the pudding is in the eating.</td>
<td>Oceans <strong>SCIENCE FAIR</strong></td>
<td>Latin/Greek Words #’s 25-34</td>
<td>Unit 14</td>
<td>Narrative - Immigration Story</td>
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<tr>
<td>Topic 13</td>
<td>Immigration</td>
<td>Roll of Thunder</td>
<td>On tenterhooks</td>
<td>Oceans</td>
<td>Poetry</td>
<td>Unit 15</td>
<td>Narrative - Immigration Story</td>
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<td>Topic 14</td>
<td>Lewis Howard Latimer Biography &amp; Industrialization &amp; Urbanization</td>
<td>Roll of Thunder</td>
<td>The leopard doesn’t change its spots.</td>
<td>Oceans</td>
<td>Poetry</td>
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<td>Research Report - Oceans</td>
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<td><strong>Apr</strong></td>
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<td>Topic 15</td>
<td>Industrialization &amp; Urbanization</td>
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<td>Rule of thumb</td>
<td>Oceans</td>
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<tr>
<td>Topic 15</td>
<td>Reform</td>
<td>Fever 1793</td>
<td>Strike while the iron is hot.</td>
<td>Human Body</td>
<td>Poetry</td>
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<tr>
<td>Topic 16</td>
<td>Reform</td>
<td>Fever 1793</td>
<td>Necessity is the mother of invention.</td>
<td>Human Body</td>
<td>Poetry</td>
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<td><strong>End of Tri III</strong></td>
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<tr>
<td>Topic 16</td>
<td>Reform</td>
<td>Fever 1793</td>
<td>Truth is stranger than fiction.</td>
<td>Human Body</td>
<td>Poetry</td>
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<tr>
<td>Topic 17</td>
<td>Jr. Great Books</td>
<td></td>
<td>Don't cut off your nose to spite your face.</td>
<td>Human Body</td>
<td>Poetry</td>
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<tr>
<td>Topic 17</td>
<td>Jr. Great Books</td>
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Note: This plan is an example of organizing a year-long academic plan, including subjects like Math, Soc Stud, Literature, Sayings & Phrases, Science, English/Poetry, Vocab, and Writing. Each topic is marked with a specific event or lesson, and the plan is designed to span multiple months, with specific months highlighted in the file.
A CALIFORNIA CHARTER SCHOOL

Submitted to the California State Board of Education

Approved for a term of five (5) years on March 13, 2009
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    attempting to educate, what it means to be an “educated person”
    in the 21st century, and how learning best occurs. The goals
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California Education Code § 47605(b)(5)(P) .............................................................................................................100
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CHARTER SCHOOL INTENT AND CHARTER REQUIREMENTS

It is the intent of the California Legislature, in enacting the Charter Schools Act of 1992, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:

(a) Improve pupil learning.

(b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils identified as academically low achieving.

(c) Encourage the use of different and innovative teaching methods.

(d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school-site.

(e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.

(f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.

(g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

The Charter Schools Act (or Act) (Education Code §§ 47600 et seq.) requires each charter school to have a “charter” that outlines at least the sixteen (16) mandatory items of the Act. The following provisions of this charter coincide with the requirements of § 47605 of the Act.
AFFIRMATIONS/ASSURANCES

• The Western Sierra Collegiate Academy ("WSCA") shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. It shall not charge tuition and shall not discriminate on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).

• WSCA shall comply with all applicable federal, state and local laws and court orders.

• WSCA shall admit all pupils (subject to capacity) within the State of California who wish to attend the School. Admission to the School shall not be determined by the place of residence of a pupil or his or her parent or guardian within the State except as provided by Education Code Section 47605(d)(2). If WSCA receives a greater number of students who wish to attend the School and who submit a timely application, each applicant will be given an equal opportunity for admission through a public random lottery process.

• All meetings of the Board of WSCA shall be held in compliance with the Brown Act.

• WSCA shall comply with all applicable state and federal laws in serving students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1974, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Improvement Act of 2004.

• WSCA shall offer at a minimum, the same number of minutes of instruction set forth in paragraph (1) of subdivision (a) of California Education Code Section 47612.5 for the appropriate grade levels.

• WSCA shall maintain accurate and current written records that document all pupil attendance and make these records available for audit and inspection.

• WSCA shall meet all state standards and conduct the pupil assessments required by California Education Code Sections 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.

• WSCA shall, on a regular basis, consult with its parents and teachers regarding the School’s education programs.

• WSCA shall meet all requirements for employment set forth in applicable provisions of law, including but not limited to credentials, as necessary.

• WSCA will ensure that teachers in WSCA hold a Commission on Teacher Credentialing certificate, permit or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by law, flexibility may be given to non-core, non-college preparatory teachers.

• WSCA will, at all times, maintain all necessary and appropriate insurance coverage.

• WSCA will comply with all laws related to the minimum and maximum age of public school admission.

• WSCA shall be deemed the exclusive public school employer of the employees of the School for purposes of the Educational Employment Relations Act.
• 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.

• WSCA will follow any and all other federal, state, and local laws and regulations that apply to the School including but not limited to:

• WSCA shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection.

• WSCA shall on a regular basis consult with its parents and teachers regarding the Charter School’s education programs.

• WSCA shall comply with any jurisdictional limitations to locations of its facilities.

• WSCA shall comply with all applicable portions of the No Child Left Behind Act.

• WSCA shall comply with the Public Records Act.

• WSCA shall comply with the Family Educational Rights and Privacy Act.

• WSCA shall meet or exceed the legally required minimum of school days per year.
**Overview of Western Sierra Collegiate Academy**

*(At Full Implementation, Grades 7-12)*

<table>
<thead>
<tr>
<th><strong>Mission of School</strong></th>
<th>Western Sierra Collegiate Academy (WSCA) will provide students with a challenging and comprehensive college preparatory education in a small public school setting.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Educational Focus</strong></td>
<td>WSCA will be a college preparatory charter public school serving students in grades seven through twelve. WSCA will provide an engaging and rigorous academic curriculum, focusing on math, science, social studies, and the arts. All students will be enrolled in the courses needed to attend the University of California, California State Universities, and the most selective private universities.</td>
</tr>
<tr>
<td><strong>Grades Served</strong></td>
<td>Grades 7 through 12.</td>
</tr>
<tr>
<td><strong>Small School Size</strong></td>
<td>A small school setting with approximately 90 students per grade level. A total student enrollment of approximately 550 students.</td>
</tr>
<tr>
<td><strong>Location</strong></td>
<td>It is expected that WSCA will be initially housed in an interim facility located in South Placer County area (Rocklin or Lincoln). WSCA will grow into a more permanent facility as additional grades are added.</td>
</tr>
<tr>
<td><strong>7th and 8th Grade Curriculum</strong></td>
<td>WSCA will offer the nationally recognized Core Knowledge curriculum in 7th and 8th grade. Strong in depth and rigor, it will provide a solid foundation for success in the college preparatory coursework in grades 9-12.</td>
</tr>
<tr>
<td><strong>High School Curriculum</strong></td>
<td>All students in High School (grades 9-12) will be enrolled in the coursework required for entrance to the University of California, California State University and selective private universities. The curriculum will be engaging and rigorous, meeting and exceeding California state standards. It will emphasize science, math, social studies, and the arts. It is the expectation that all students will take Advanced Placement (AP) coursework and/or University of Cambridge International Examinations (IGSCE) in 11th or 12th grade.</td>
</tr>
<tr>
<td><strong>Are there other schools like WSCA?</strong></td>
<td>WSCA will be similar in design and educational program to some of the best public and private schools in the United States. The structure of WSCA is based on the Pacific Collegiate School, the highest achieving open enrollment high school in California. Pacific Collegiate is fully supportive of the creation of WSCA and is assisting in its development. For more information about Pacific Collegiate School visit <a href="http://www.pacificcollegiate.com">www.pacificcollegiate.com</a>.</td>
</tr>
</tbody>
</table>
| **For more Information** | Web site: www.wscacademy.org  
Email: info@wscacademy.org  
Phone: (916) 632-6380 |
| **Rocklin Academy** | Rocklin Academy, the highest performing public school in Placer County, is leading the development of WSCA. Serving grades K-6, Rocklin Academy currently operates two Core Knowledge based elementary schools, Rocklin Academy at Turnstone and Rocklin Academy at Meyers Street. |
SECTION 1 - INTRODUCTION

WSCA will make important contributions to Public Education

The Rocklin Academy ("RA"), a California nonprofit public benefit corporation, incorporated in 2000, was formed by experienced educators and dedicated parents. RA currently operates two high quality elementary schools of choice serving the greater Rocklin community. The initial school ("RA Turnstone") has been continuously operating since 2001. Students were first served at the second school site ("RA Meyers") in August 2007. RA is now undertaking the creation of a third school, the Western Sierra Collegiate Academy ("WSCA" or the "School"), in order to provide an additional public school educational choice for students in grades seven through twelve, similar to what the existing RA schools are successfully providing for elementary grade students. Rocklin Unified School District ("RUSD", the "District", or the "School District") is the chartering entity for both RA Turnstone and RA Meyers.

In accordance with the California Charter Schools Act of 1992, as amended (the "Charter Schools Act"), RA hereby petitions the California State Board of Education (the "Authorizer" or "SBE") to grant this charter petition for WSCA for five years from the date of the school first serving students (the "Charter"). (Throughout this Charter, the terms "student" and "pupil" are used interchangeably.) The Charter is submitted to the SBE as an appeal to the denial by RUSD.

State law supports and encourages the creation of charter schools and provides specific direction to school districts to approve charter school petitions. The law declares a wide range of purposes for charter schools. An individual charter school may fulfill one or more of these purposes. This support for charter schools is reflected in the Charter Schools Act (Education Code § 47601(a)-(g)) that states that:

(a) Improve pupil learning.

(b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.

(c) Encourage the use of different and innovative teaching methods.

(d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.

(e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.

(f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.

(g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

As detailed in this Charter, WSCA will make important contributions to the legislative goals outlined above. By granting this Charter, SBE will help fulfill the intent of the Charter Schools Act while providing students with an additional quality public school educational option.
Offering Improved Academic Performance in Placer County

There is a clear need to improve public education in California and the United States. The need to offer additional high-quality educational choices is equally important in Placer County. WSCA will improve educational opportunities for students and families in Placer County by providing a school that is:

- A public school with a specific college preparatory mission.
- Open to all families/students committed to our mission/educational vision, without tuition or academic entrance requirements.
- Offering a rigorous academic curriculum to all its students, including math and science.
- Committed to maintaining high expectations for both academic and personal performance.
- A small and supportive school environment
- Operates in partnership with parents.

Currently there is no public school in the South Placer County region that is similar to WSCA. The only choices similar to WSCA are expensive private schools. WSCA will serve the larger community by increasing the ability of Placer County employers to attract and retain employees with school-age children. WSCA will also qualify more Placer County students to attend selective public and private universities and colleges, increasing the pool of county residents with the high level skills needed by companies in our region, and nationally.

The Need for Higher Academic Performance in Placer County, in California, and throughout the United States

Placer County Educational Needs

Employers in Placer County need highly educated and capable employees, and the economic viability of our community depends on the availability of this type of highly educated and skilled workforce (Analysis of Education-Industry Linkages and Economic Benefits in Placer County, 2004). Students in Placer County are significantly more affluent than students as a whole in California. Even in Placer County, where student performance is higher than the state as a whole, a high percentage of students fall below the academic performance levels set by the state (proficient) that are needed to be successful in college. For example, in Placer County 39% of eighth graders and 54% of eleventh graders are below proficient in English – Language Arts. Further, in eleventh grade U.S. history, 60% of students are not proficient. In Science 45% of eighth grade students are not proficient, and 71% of high school students are not proficient in Chemistry, and 61% failing to score as proficient in Physics.

California Schools Need to Significantly Improve Education Offered to Students

The need for higher achievement and more academic rigor is equally evident at the state level. On the National Assessment of Educational Progress (NAEP), California students rank at the bottom. In eighth grade Reading, California students are third from the bottom. This poor performance is not due to the demographics of the state. When demographics are adjusted, California still performs at the bottom, with the same performance level as Mississippi, Alabama, Louisiana, and New Mexico. The three charts which follow illustrate this poor performance. (See Appendix 2 for additional excerpts from Ed-Trust West report.)
California’s NAEP Scores for 4th Grade Reading Lag Behind Other States

All 4th Grade Students - 2005 NAEP Reading
Average Scale Scores From Highest to Lowest

2007 by The Education Trust West

California’s NAEP Scores for 8th Grade Reading Lag Behind Most States

All 8th Grade Students - 2005 NAEP Reading

2007 by The Education Trust West
California’s White 8th Grade Students Trail Behind Their Peers in Most States

White 8th Grade Students - 2005 NAEP Reading
Average Scale Score (White) From Highest to Lowest

Source: National Center for Education Statistics,
http://nces.ed.gov/nationsreportcard/

2007 by The Education Trust-West
California is One of the Poorest Performing States in the United States

The educational achievement of children in the United States as a whole is significantly less than other industrial nations. California students are some of the poorest performing in the nation.

In the California report, The Governor’s Committee on Education Excellence issued the summary report Getting Down to Facts: School Finance and Governance in California in March 2007. This report captures the challenges California faces. The challenges are captured in the following excerpt:

“Introduction

On many different measures of achievement, California’s students fall far behind those in other states. As shown in Figure 1, on the 2005 National Assessment of Education Progress, California ranked 7th lowest in eighth grade math in comparison to the 49 other states and the District of Columbia. Perhaps more telling, the average California student is competitive with just the bottom quarter of students in Massachusetts. The story is at least as bad in other subjects. California performed 3rd lowest in reading, ahead of only Hawaii and the District of Columbia, and 2nd lowest in science, ahead of only Mississippi. Some suggest that California’s position simply reflects the large minority populations in the state, but the facts on achievement belie this. California schools do not do well for any group – as an example, a chart similar to Figure 1 only for Hispanic students would place California fourth from the bottom. Significant progress will require fundamental and comprehensive change.”

The Need for Improving Education in the United States

The need for schools that offer students a rich and rigorous college preparation program is critical for the United States, for California, and for Placer County, in order to remain/regain our competitive standing in an increasingly global economy. For example, on the international level, 19 countries (such as the Netherlands, Belgium and Japan) scored higher than eighth grade students in the United States in mathematics. Compared to key industrialized nations, these same students ranked 11 out of 13. The United States faces similar challenges in science. The Program for International Student Assessment (PISA) focuses on the ability of 15-year-olds to apply science knowledge and skills to a variety of materials with a real-life context. On the 2003 PISA, U.S. 15-year-olds scored below the science literacy average of the 29 participating countries. See Appendix 1 for further information in the federal report U.S. Student and Adult Performance on International Assessments of Educational Achievement.

The United States is Behind Compared to Other Nations

The reports, task forces, and statistics regarding the failure of United States students to be competitive with students from other nations are substantial and compelling. The most recent of these reports -Comparative Indicators of Education in the United States and Other G-8 Countries: 2006” released in August 2007, illustrates the challenges faced by the United States. The United States spends more money per student for the elementary and secondary education than any G-8 industrial nation, yet the academic achievement of students in the United States falls behind that of many countries. For example, the performance in Mathematics Literacy among 15-year-old students on the PISA 2003 assessment defined above, approximately one-quarter of 15-year-old students in the United States scored at or below the lowest proficiency level on the combined mathematics literacy scale. This is a higher proportion of students than in Germany, France, Japan, and Canada. Fifteen-year-old students in the United States generally scored lower, on average, than their peers in the same four G-8 countries on each of the four mathematics literacy subscales: space and shape, change and relationships, quantity, and uncertainty. Although US students were generally at an advantage in terms of socioeconomic status (SES) compared to their G-8 peers, low-SES 15-year-old students in the US were outperformed by their peers in Germany, France, Japan, and Canada in mathematics literacy.
The results of the 2003 Trends in International Mathematics and Science Study (TIMSS) for eighth grade are no more encouraging. Forty-five countries participated in the assessments at the eighth-grade level. In science, US eighth-graders were outperformed by eighth-grade students in the following eight countries: Singapore, Chinese Taipei, Republic of Korea, Hong Kong SAR, Estonia, Japan, Hungary, and Netherlands. In math, US eighth-graders were outperformed by their peers in 14 countries: Singapore, Republic of Korea, Hong Kong SAR, Chinese Taipei, Japan, Belgium, Netherlands, Estonia, Hungary, Malaysia, Latvia, Russian Federation, Slovak Republic, and Australia.

**The Need for Improved Educational Opportunities in Today's World Demand Innovations like WSCA**

The global economy has been a demanding reality for nations since the end of World War II. The transformation in the 21st century is that the global economy has progressed beyond a contest between nations, to one where individuals are competing against each other for employment, economic opportunity and economic security. It is in this context that California as a state, and Placer County as a community must strive to ensure the continuing success and prosperity of its citizens.

One of the critical keys to international competitiveness is a highly educated workforce. Educating the students living in Placer County and throughout California, so that they excel in academic achievement and are internationally competitive, while also nurturing their development as involved citizens who share our country’s common values, is the daunting task that WSCA will undertake.

*WSCA will provide a public school opportunity to address the need for an educated population in our community, our state, our country, and our world.*

**WSCA: Meeting the Needs of Placer County, California, and the United States**

RA Board of Directors, as the Founding Group for WSCA, proposes the creation of a new, small, academically-rigorous school, WSCA, to serve students in grades seven through twelve, to be located in southern Placer County, California. The proposed school is using as the foundation of its educational program the highly successful Pacific Collegiate School (PCS) which is located in Santa Cruz, California. PCS is currently the highest performing open-enrollment high school in California and a California Distinguished School. RA is committed to taking the powerful foundation created by PCS and creating a similar school in our local community. WSCA will duplicate PCS’s cohesive community, serving as a unifying locale in the greater geographic area, for students and teachers united by a commitment to intellectual advancement. This includes commitment to the pursuit of academic and intellectual achievement beyond the students’ secondary education.

The creation of WSCA, with its academic rigor and its commitment to helping students meet international educational standards and commitment, is an example of the fundamental and comprehensive change (Getting Down to Facts) necessary to meet the 21st century needs of Placer County, California and the United States. As illustrated in the Report, California as a whole, and Placer County itself, will have significant economic benefits from improving the educational levels of residents. These improvements will come from the improved economic circumstances made possible, for the most part, by the improvement of the educational attainment of our citizens. Through a rigorous a-g curriculum, a small school environment, and dedicated teachers that hold students to high standards, WSCA will prepare students to be academically competitively with students from anywhere in the world, while also helping them develop as well rounded and involved citizens. WSCA graduates will be prepared for the challenges and rewards available at competitive public and private universities and colleges, and wherever else their future takes them.
WSCA will be Built on the Success of Rocklin Academy

RA already operates two very successful schools that serve students in kindergarten through sixth grade (the ‘Existing Schools’). Families of students and alumni of these schools, and other families in the greater Rocklin community, strongly support the development of a small, college preparatory school to serve students in grades seven through twelve.

The existing RA schools are highly successful. The original school, RA Turnstone, has attained the highest possible State and Similar School Ranks possible (10 out of 10) and the highest Annual Performance Index score (‘API’) of any school in Placer County, with a score of 938 on the 2007 base report. RA students, through their outstanding academic achievement, earned the highest test scores of any public school in Rocklin on the 2002, 2003, 2004, 2005 and 2006 STAR tests. RA Turnstone is the highest performing school in El Dorado, Placer, Sutter and Yolo Counties.

Additional highlights of RA success include:

1. Implementation of the Core Knowledge Curriculum Sequence (‘the CK Sequence’). The Sequence offers a very rich and well rounded curriculum that meets and significantly exceeds California State Standards. RA’s existing schools are the only elementary public schools in Placer County to offer the CK Sequence.
2. High levels of academic success:
   a. Consistently outstanding API scores: 2007 API of 938
   b. High Statewide Schools rank (rank of 10 of 10 every year)
   c. High Similar Schools rank (rank of either 10 or 9 out of 10 every year)
   e. Highest API ranking of any school in the sponsoring/local school district
   f. Highest API ranking of any school in the county in 2006
3. Recognized by the Core Knowledge Foundation as an Official Core Knowledge School and Visitation Site
4. High levels of parental satisfaction. Based on the annual survey of parents, 77% of the parents rated the school ‘excellent’ and an additional 18% of the parents rated the school ‘good to excellent’. Overall, 95% of parents rated the school as excellent or good.
5. 99% of the parents provided 30 or more hours of volunteer service annually
6. Exceptional faculty: dedicated/committed to helping students achieve their highest potential, knowledgeable of and committed to teaching the CK Sequence, and highly skilled in their practice
7. Fiscally strong: reliable guardianship of taxpayers’ dollars
   a. Consistently balanced budgets
   b. Strong fiscal reserves
   c. Clean annual financial audits, documenting full compliance with all state requirements
8. Awarded dissemination grant in 2005/6: recognition of leadership qualities and California Department of Education’s support of the dissemination of our high quality Core Knowledge educational approach

RA will provide a strong base for the efficient and successful development of WSCA. The Existing Schools teach the nationally-recognized and research-proven Core Knowledge curriculum, which provides deep and systematic learning in language arts, history, geography, mathematics, science, and the fine arts. The outstanding RA teachers compliment Core Knowledge with instruction from Open Court Phonics, Saxon Math, and Junior Great Books. Additionally, beginning in kindergarten, students receive second language instruction in Spanish.
RA is fiscally sound, operating within a conservative budget and has received exemplary annual audit reports. See Appendix 3 for RA’s most recent Annual Report and Appendix 4 for RA’s three most recent audit reports.

RA has demonstrated consistent, ongoing commitment to offering the full CK Sequence, which addresses kindergarten through eighth grade, at both of the Existing Schools. For more than six years RA has attempted to provide a contiguous K-8 educational program, beginning when RA Turnstone, the original school, started serving students in 2001. Unfortunately, multi-year extensive efforts to secure a contiguous K-8 facility through RUSD under Proposition 39 have been, and continue to be, unsuccessful.

Faced with RUSD’s ongoing opposition to RA’s operation of a school offering contiguous kindergarten through eighth grade, the RA Board of Directors undertook serious consideration of serving kindergarten through sixth grade at the existing schools and creating a separate contiguous school to serve students in grades seven through twelve. Planning activities to create a school that serves students in grades seven through twelve have been occurring for more than three years. The Strategic Plan of RA, adopted by the Board in May of 2004 and updated in 2006, identified serving students in kindergarten through eighth grades, or alternatively separate schools, one serving students in kindergarten through sixth grade and one serving students in seventh through twelfth grades, as a major priority. (See Appendix 5 for the RA Strategic Plan.) Since adoption of the Strategic Plan, the Board of Directors and staff have been working toward these goals.
SECTION II - FOUNDING GROUP

The Rocklin Academy ("RA"), a California nonprofit public benefit corporation, incorporated in 2000, was formed by experienced educators and dedicated parents. RA currently operates two high-quality elementary schools of choice serving the greater Rocklin area of Southern Placer County in California. The initial school ("RA Turnstone") has been continuously operating since 2001 and students were first served at the second school site ("RA Meyers") in August 2007. RA is now undertaking the creation of a third school, the Western Sierra Collegiate Academy ("WSCA"), in order to provide an additional public school educational choice for students in grades seven thought twelve. The proposed school is using as the foundation of its educational program the highly successful Pacific Collegiate School ("PCS") which is located in Santa Cruz, California. PCS is currently the highest performing open-enrollment high school in California and a California Distinguished School.

The RA Board of Directors is the Founding Group for WSCA

WSCA will be operated by RA, a California nonprofit public benefit corporation, with 501(c)(3) status granted by the Internal Revenue Service. RA is operated under the direction of a Board of Directors (the "Board"). This Board is the founding group for WSCA. WSCA will be operated by the Board pursuant to the adopted Bylaws, as subsequently amended from time to time (the "Bylaws"), which shall be consistent with this Charter. See Appendix 6 for the RA Articles of Incorporation and Appendix 7 for the Bylaws. Both the Articles of Incorporation and the Bylaws are incorporated herein and considered as part of the Charter.

Board of Directors

The Board has a strong record of leadership, stability, and fiscal responsibility. The outstanding academic success at the existing two school sites, strong and stable management, six successive years of unqualified audits, and healthy fiscal reserves are reflective of the leadership that will also guide the implementation and operation of WSCA.

The current RA Board consists of seven voting members. Six of the members are parents of students attending our schools, and seventh is a parent of a former student. Each board member brings significant experience and a strong commitment to RA. The bylaws allow for up to nine voting members of the Board. Parents have a key role in the governance of all RA schools through their service as members of the Board. This will also be true for parents of students attending WSCA.

The seven members of the Board are:

- Wendy Boyd, Chairperson (Founding Board Member, Dental Hygienist, and parent of an RA alumnus)
- Rick Miller (Education Consultant)
- Stephen Siler (Health Industry Statistician, Parent of RA student(s))
- Margaret Broussard (Attorney)
- Doug Johnson (Public Sector Personnel Consultant)
- Jarrett Black (High School Language Arts Teacher)
- Melissa Garrido (Teacher)

Three board members are founding members, serving since the opening of RA Turnstone in 2001. Five members are parents of current or former RA students. Each board member brings significant experience and a strong commitment to RA. As outlined in the Bylaws, members of the Board serve one year renewable terms. See Appendix 7 for the Bylaws.

The Bylaws permit at least one representative of the Board of Education of RUSD (the "Board of Trustees"), as chartering entity for the Existing Schools, and at least one representative of the SBE, as chartering entity for WSCA, to serve on the Board. To date neither RUSD nor SBE has appointed a member to serve...
on the Board. If RUSD or SBE makes such an appointment, the representative(s) will sit on the Board as an ex-officio member who facilitates communications and mutual understanding between RA, the school(s), and the charting entities. 

RUSD and SBE respectively have a right to appoint a voting or non-voting representative. Per current Corporations Code restrictions, a non-voting representative will serve as a representative to the Board, but may not be a member of the Board.
Charter Planning Team

The Board has been assisted by formal and informal planning teams. The volunteer WSCA Planning Team (the “Planning Team”), a committee formally created by the Board, consists of highly motivated parents and educators with expertise in curriculum, instruction, assessment, finance, facilities, business management, organization, governance, and administration. The Planning Team members include:

<table>
<thead>
<tr>
<th>Name</th>
<th>Background</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baljit Atwal, Ph.D.</td>
<td>Clinical Psychologist with an active forensic and clinical practice. Strong interest in assessments of learning disabilities, intelligence, treatment needs and other psychological issues. Parent of RA student(s).</td>
</tr>
<tr>
<td>Mariann Bjorkman</td>
<td>Second grade teacher for RA. Masters in Business Administration. Parent of RA student(s).</td>
</tr>
<tr>
<td>Mark Dandeneau</td>
<td>Chief Operating Officer Triad Family Services, serving foster youth statewide. Parent of RA student(s).</td>
</tr>
<tr>
<td>Diana Higashi</td>
<td>Adjunct Instructor at Sierra College and Los Rios Community College. Parent of RA student(s).</td>
</tr>
<tr>
<td>Alison Hirsch</td>
<td>Real estate agent. Parent of RA student(s).</td>
</tr>
<tr>
<td>Barbara Jones</td>
<td>Registered nurse. Served on Parent Advisory Council, Strategic Planning Committee, and classroom Art Docent. Assisted in the development of the Music Docent and Spanish Docent programs. Parent of RA student(s).</td>
</tr>
<tr>
<td>David Patterson, Ed.D.</td>
<td>Founder and Executive Director of RA. Former Director of Governmental Relations for the California Network of Educational Charters (CANEC), and former charter schools expert for the California Department of Education. Former elected member of local school boards. Nationally recognized expert on charter schools.</td>
</tr>
<tr>
<td>Joseph K. Scharrer, Ph.D.</td>
<td>President and Chairman RSR in Loomis, CA, a propulsion and power R&amp;D firm. Parent of RA student(s).</td>
</tr>
</tbody>
</table>
Expert Advisors

The work of the Planning Team is assisted by expert advisors when appropriate or necessary. These advisors include educational, legal, community, and political experts and leaders, including firms and organizations that already support RA’s work. A partial listing of the Advisors is included below.

<table>
<thead>
<tr>
<th>Name</th>
<th>Expertise</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Beckwith</td>
<td>President, Five Star Bank</td>
</tr>
<tr>
<td>Miken Dayton</td>
<td>Teacher (Music expertise)</td>
</tr>
<tr>
<td>Dean Forman</td>
<td>Past Board President Roseville Joint Union High School District</td>
</tr>
<tr>
<td>Andrew Goldenkranz</td>
<td>Superintendent/Principal of Pacific Collegiate School</td>
</tr>
<tr>
<td>Gary Hartman, Ed.D</td>
<td>Education Consultant, Retired Superintendent, Retired High School Principal</td>
</tr>
<tr>
<td>Judi Hayes</td>
<td>Teacher (Developer of innovative high school education programs)</td>
</tr>
<tr>
<td>Suzie Herberholz</td>
<td>Adjunct professor – Computer Science</td>
</tr>
<tr>
<td>John Karas</td>
<td>Vice President, Space Exploration Business Development/Advanced Programs, Lockheed Martin Space Systems Company</td>
</tr>
<tr>
<td>Ronald Fliebeek</td>
<td>Counselor, Valley High School</td>
</tr>
<tr>
<td>Jerrod Black</td>
<td>Teacher, English Department Chairperson, Rio Linda High School</td>
</tr>
<tr>
<td>Mary McGown</td>
<td>Teacher (Fine Arts expertise)</td>
</tr>
<tr>
<td>Matthew Patterson</td>
<td>Microsoft Engineer, Rocklin High School graduate, CalTech graduate</td>
</tr>
<tr>
<td>Robin Stout</td>
<td>Teacher, Vice Principal (Fine Arts expertise)</td>
</tr>
<tr>
<td>Patricia Teilh</td>
<td>Principal of Rocklin Academy, former private school Principal and teacher</td>
</tr>
</tbody>
</table>

Existing Fiscal and Managerial Expertise – RA and PCS

RA is a very capable organization: fiscally and administratively strong, and currently operating two academically successful elementary schools. The planning of WSCA has benefited from the mature administrative and fiscal systems and procedures developed and practiced by the experienced RA staff. Pacific Collegiate School (―PCS‖) is a very capable organization: fiscally and administratively strong, and currently operating an academically successful school serving students in grades seven through twelve. PCS has agreed to mentor RA in the development and implementation of WSCA and to continue that relationship during the operation of both schools. Andrew Goldenkranz, Superintendent and Principal of PCS, has served as liaison between the organizations, ensuring timely and complete sharing of expertise and assistance throughout the planning process.

Under the leadership of the RA’s experienced Executive Director, WSCA will operate under the management of the RA Executive Team (the “Executive Team”). The Executive Team consists of Executive Director David Patterson, Principal Patricia Teilh, and Business Manager Melissa Tritle. See Appendix 8
for a copy of the resume of each member of the Executive Team. A principal for WSCA will be hired prior to the opening of the school. This principal will serve as an additional member of the Executive Team. Additional management and faculty with appropriate seventh through twelfth grade experience will be hired as part of the WSCA start-up process. RA’s strong academic record, fiscal stability and the strength of the WSCA educational model insures RA’s ability to attract additional highly qualified staff.

**Legal Expertise**

RA will utilize the same legal expertise to assist in the development and operation of WSCA as is used for the Existing Schools: Specter-Middleton, Young & Minney, LLP (SMYM). SMYM is California’s most experienced, knowledgeable, and respected law firm working in the area of charter school law. As a leader in charter school representation since the passage of the Charter Schools Act, SMYM offers expertise in every facet of charter school creation, expansion and operation – including charter petitions and negotiations, MOUs, non-profit incorporation, board governance, facilities, student issues, policy development. More information about SMYM is available at [http://www.smycharterlaw.com](http://www.smycharterlaw.com).

**Charter School Policy and Operations Support**

WSCA will benefit from the expertise of RA’s existing relationships with California’s two expert charter schools organizations: the California Charter Schools Association ("CCSA") and the Charter Schools Development Center ("CSDC").

RA is a full member of CCSA. CCSA is the membership and professional organization serving charter public schools in California.

CSDC provides experienced and expert technical assistance, training, and resources to charter school developers, operators, charter-granting agencies, and policy makers in California, nationally, and internationally. CSDC’s services include information services, accountability services, development services, governing board trainings, educational program assistance, and other in-depth consulting services.

<table>
<thead>
<tr>
<th>Key Programmatic Areas</th>
<th>Sources of Expertise</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Charter School Law and Operations</strong></td>
<td>Internal: David Patterson, Executive Director</td>
</tr>
<tr>
<td></td>
<td>Melissa Tritle, Business Manager</td>
</tr>
<tr>
<td></td>
<td>California Charter School Association</td>
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<tr>
<td></td>
<td>Charter School Development Center</td>
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<td></td>
<td>EdTec</td>
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<td></td>
<td>External:</td>
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<td></td>
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<td></td>
<td>David Patterson, Executive Director</td>
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<tr>
<td></td>
<td>Patricia Telih, Principal</td>
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<tr>
<td></td>
<td>Andrew Goldenkranz, PCS Principal</td>
</tr>
<tr>
<td></td>
<td>Dr. Gary Hartman, Superintendent (retired)</td>
</tr>
<tr>
<td></td>
<td>Judy Hayes, Teacher</td>
</tr>
<tr>
<td></td>
<td>Steven Carney, education consultant</td>
</tr>
<tr>
<td></td>
<td>Ron Riebeek, high school counselor</td>
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<td></td>
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<td></td>
<td>California Charter School Association</td>
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</table>

19
<table>
<thead>
<tr>
<th>Key Programmatic Areas</th>
<th>Sources of Expertise</th>
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</thead>
</table>
| **Fiscal**             | **Internal:** David Patterson, Executive Director  
                           Melissa Tritle, Business Manager  
                           **External:** Charter School Development Center  
                           California Charter School Association  
                           EdTec  
                           Placer County Office of Education  
                           California Association of School Business Officers |
| **Personnel**          | **Internal:** David Patterson, Executive Director  
                           Melissa Tritle, Business Manager  
                           Patricia Teihl, Principal  
                           **External:** California Charter School Association  
                           Charter School Development Center  
                           EdTec |
| **Audit**              | **Internal:** David Patterson, Executive Director  
                           Melissa Tritle, Business Manager  
                           **External:** Gilbert Associates  
                           Perry Smith LLC  
                           Placer County Office of Education  
                           Spector, Middleton, Young and Minney  
                           Charter School Development Center  
                           California Charter School Association |
| **Compliance**         | **Internal:** David Patterson, Executive Director  
                           Melissa Tritle, Business Manager  
                           Patricia Teihl, Principal  
                           **External:** Spector, Middleton, Young and Minney  
                           Placer County Office of Education  
                           Charter School Development Center  
                           California Charter School Association |
| **Law**                | **Internal:** David Patterson, Executive Director  
                           Melissa Tritle, Business Manager  
                           Patricia Teihl, Principal  
                           **External:** Spector, Middleton, Young and Minney  
                           Placer County Office of Education  
                           Charter School Development Center  
                           California Charter School Association |
| **Expansion/Growth**   | **Internal:** David Patterson, Executive Director  
                           Melissa Tritle, Business Manager  
                           **External:** Charter School Development Center  
                           California Charter School Association  
                           EdTec  
                           Dr. Gary Hartman, Superintendent (retired)  
                           Judy Hayes, Teacher  
                           Andrew Goldenkranz, PCS Principal  
                           California Association of School Business Officers |
Strong Foundation for the Creation of WSCA

As summarized above, the Board and administration of RA clearly have the capacity to establish and sustain WSCA as an excellent school. RA has a strong record of leadership, stability, and fiscal responsibility. It has the proven administrative capacity to manage and safeguard public funds for WSCA in the same high quality manner it has done since 2001 for the Existing Schools. RA’s outstanding academic success, strong and stable management, six years of unqualified audits, and healthy reserves, are reflective of the leadership that RA brings to the creation and implementation of WSCA. The Board, Executive Team, and RA faculty, combined with WSCA Planning Team, and the external expertise supporting RA, have the skill and experience in education, management, finance and law needed for the successful development and operation of WSCA.
SECTION III – EDUCATIONAL PHILOSOPHY

“A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an ‘educated person’ in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.”
– California Education Code § 47605(b)(5)(A)

Mission Statement

WSCA seeks to provide students with a challenging and comprehensive college preparatory education in a small public school setting. In partnership with parents, we will inspire students to strive for intellectual and creative excellence, to develop a deep appreciation for the arts and different cultures, and to employ the technological tools of our modern age. Our vision is to instill a strong sense of personal and civic responsibility, the capacity to think critically, and the skills to communicate and contribute to an increasingly global community.

Educational Vision

Our mission was developed to reflect our vision of how to best remedy the deficiencies in performance by California public school students which are consistently demonstrated in the results of national and international testing.

To be an educated person in the 21st century global economy requires a strong post-secondary education. (See US Department of Labor statistics, http://www.bls.gov/oco/oco2003.htm) WSCA believes that most students, not just a few, are capable of obtaining a demanding, rigorous and relevant college preparatory high school education that prepares them to succeed in college. The keys to drawing the best from every student are: high expectations; student and family commitment; a rigorous curriculum; teaching excellence; and a small school community.

Students respond well to the expectations of their peers and of the adults around them. WSCA will set high expectations for all students in terms of work ethic, behavior, and educational achievement. Drawing the best from every student takes immense effort from the teachers, the parents, and the students; but the results are both necessary and obtainable.

One of the goals of WSCA is enabling students regardless of socioeconomic status to become self-motivated, competent, and lifelong learners. Regular and varied formative assessments provide frequent feedback and opportunity for improvement. Developmentally-appropriate learning skills and concepts, opportunities for in-depth exploration, community service and connections, and alignment with UC admissions criteria and with post secondary options are the core of our academic approach.
Targeted School Populations – Who Will WSCA Educate? (A Rigorous, Relevant and Attainable Education for All Students)

WSCA believes that virtually all students, not just a few, are capable of a demanding, rigorous and relevant college preparatory high school education that prepares them to succeed in college. This view is widely shared by educational and political leaders and organizations such as the Superintendent of Public Instruction O’Connell and Education Trust West. With a clear and focused mission and as a school of choice, WSCA provides a clear choice for students and their families. WSCA will not be a traditional public middle school/high school, and all of our prospective students will be urged to consider all their needs and wants in making the decision to study at WSCA. WSCA will be open to all students, including but not limited to, those students with disabilities under both the IDEIA and Section 504 of the Rehabilitation Act. Students will leave WSCA prepared for an increasingly competitive global economy, confident that their skills will ensure success in college and the work place.

WSCA’s highest priority is to prepare our students, including students traditionally underserved or underachieving (not meeting their personal potential), so that our graduates are prepared to enter and thrive at the world’s finest universities and colleges if they so choose. This will be achieved with an open enrollment process as detailed in Section X of this Charter. WSCA’s educational program is based on the educational needs of the following student profile:

- Students and families who will commit to a rigorous college preparatory educational program. Students are accepted on an equal basis, without academic entrance requirements;
- Students whose academic and personal interests benefit from a small school environment with personalized attention; and
- Students whose diversity reflects the community.

Our program identifies and builds on the strengths of our students, their parents, and their local communities.

WSCA seeks to educate students in grades seven through twelve that reflect the diversity of Rocklin and Placer County.

<table>
<thead>
<tr>
<th></th>
<th>Placer County</th>
<th>CA State</th>
<th>RUSD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian</td>
<td>4.1</td>
<td>8.2</td>
<td>4.9</td>
</tr>
<tr>
<td>Filipino</td>
<td>1.7</td>
<td>2.6</td>
<td>1.9</td>
</tr>
<tr>
<td>Hispanic</td>
<td>12.3</td>
<td>47.6</td>
<td>7.5</td>
</tr>
<tr>
<td>African American</td>
<td>2.2</td>
<td>7.8</td>
<td>1.2</td>
</tr>
<tr>
<td>White</td>
<td>72.2</td>
<td>30.3</td>
<td>71.4</td>
</tr>
<tr>
<td>ELL</td>
<td>6.5</td>
<td>24.9</td>
<td>3.5</td>
</tr>
<tr>
<td>Free &amp; Reduced Lunch</td>
<td>16.9</td>
<td>50.1</td>
<td>11.7</td>
</tr>
<tr>
<td>Compensatory Education</td>
<td>51.9</td>
<td>8.1</td>
<td>3.5</td>
</tr>
</tbody>
</table>
An Educated Person in the 21st Century

To be an educated person is the 21st century global economy will require a strong post secondary education. WSCA believes that virtually all students, not just a few, are capable of a demanding, rigorous and relevant college preparatory high school education that prepares them to succeed in college and life.

The keys to drawing the best from every student are:
- High expectations;
- Student and family commitment;
- A rigorous curriculum;
- Teaching excellence; and
- A small school community.

Replication of an Outstanding Education Program

WSCA will model itself after the academically successful Pacific Collegiate School (PCS) which is located in Santa Cruz High School District (SCHSD), replicating their successful features, which include serving grades seven through twelve and a strong, academically rigorous high school curriculum. The recognition of the quality of the PCS's educational program includes PCS is ranking as the Number 2 High School high school in the entire United States, as ranked by U.S. News and World Report for 2006-2007. PCS is a California Distinguished School and has been nominated to be a National Blue Ribbon School. PCS was also recognized in 2007 by the College Board as having the top AP World History Program in the US. PCS's 2007 Growth API is 902, and the school has a State Rank of 10, and a Similar Schools rank of 10. These achievements are recognition of the sound educational program and valid methods utilized by PCS, which WSCA will faithfully replicate. The overall demographics and academic performance of students in the SCHSD is similar to the demographics and academic performance of students in Placer County (see charts below). Using 2007 CST scores, in the SCHSD, 40% of eighth graders and 56% of eleventh graders are below proficient in English – language arts. In eleventh grade U.S. history, 73% of students are not proficient. In the sciences, 47% of eighth grade students are not proficient, 53% of high school students are not proficient in chemistry, and 53% are not proficient in physics. In the Placer County, 39% of eighth graders and 51% of eleventh graders are below proficient in English – language arts. In eleventh grade U.S. history, 65% of students are not proficient. In the sciences, 39% of eighth grade students are not proficient, 63% of high school students are not proficient in chemistry, and 60% are not proficient in physics.

Sampling of CST Scores: SCHSD and Placer County
Percentage of Students Scoring Below Proficient (2007 CST)

<table>
<thead>
<tr>
<th>8th Grade English</th>
<th>US History</th>
<th>8th Grade Science</th>
<th>Chemistry</th>
<th>Physics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Santa Cruz HS District</td>
<td>40%</td>
<td>73%</td>
<td>47%</td>
<td>53%</td>
</tr>
<tr>
<td>Placer County</td>
<td>39%</td>
<td>51%</td>
<td>65%</td>
<td>39%</td>
</tr>
</tbody>
</table>
WSCA is a Small School

A Small School Setting and Accessing Expanded Curricular Opportunities – Different than a Comprehensive High School

WSCA’s school structure will be different than that of a comprehensive high school. WSCA’s emphasis on college preparation for all students, a-g coursework, Advanced Placement courses, college courses, and access to the University of Cambridge International Courses and Examinations courses and examinations provides an unparalleled depth of curricular choices, including internationally accepted coursework. At the same time, differentiating it from a comprehensive high school, the small school community promotes more personal relationships between students and faculty, and both accommodates and encourages different learning rates and approaches.

Benefits of a Small School: WCSA Will Not Be a Comprehensive High School

Small schools are fundamentally different from a comprehensive high school. A comprehensive high school is, by definition, a school that seeks to offer a wide range of curriculums, courses, and programs. The literature is very clear, that offering the same courses as a small school does not mean the comprehensive high school is offering the same educational program or providing the same advantages of a small school. There is a significant and growing body of evidence documenting the educational value of small schools. Some of the many reports and research that support small schools include; Making the Case for Small Schools, Bill and Melinda Gates Foundation, New Small Learning Communities, Finding from the Literature, Northwest Regional Educational Laboratory, and High Schools on a Human Scale: How Small Schools can Transform American Education, Thomas Toch. The considerable advantages of small schools are well documented in Appendix 9, in particular please see the School Size Research: Reference List, from the Bill and Melinda Gates Foundation. (See Appendix 9 for research on the benefits of small schools.) As detailed in the studies, students perform better academically, and students have a strong sense of community. The increased accountability and potential for individualized attention that comes with a small school size also gives students a strong academic and social advantage. Students have a greatly reduced possibility of being neglected or overlooked as teachers will know each of their needs in a more personal way.

Small Schools

Maintaining a small learning community will be one of the defining elements of WSCA. As a reflection of our educational philosophy WSCA is committed to being a small school. When WSCA reaches its full size, expected enrollment per grade level will be approximately 90 to 100 students, with a total school size of between 550 and 600 students in grades seventh through twelfth. This will be achieved with an open enrollment policy as detailed in Section X of this Charter.

<table>
<thead>
<tr>
<th></th>
<th>American Indian</th>
<th>Asian</th>
<th>Pacific Islander</th>
<th>Filipino</th>
<th>Hispanic or Latino</th>
<th>African American</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Placer County</td>
<td>0.8%</td>
<td>4.1%</td>
<td>0.4%</td>
<td>1.7%</td>
<td>12.3%</td>
<td>2.2%</td>
<td>72.2%</td>
</tr>
<tr>
<td>Santa Cruz HS District</td>
<td>0.4%</td>
<td>3.6%</td>
<td>0.8%</td>
<td>1.1%</td>
<td>26.5%</td>
<td>2.1%</td>
<td>60.2%</td>
</tr>
</tbody>
</table>

The 2006-07 demographics of Placer County are similar to those of the SCHSD geographic area where PCS is located.
We recognize that one reality of a small school is that the number of courses offered is limited by fiscal and other concerns. The experience of other small schools has demonstrated that this is not a major impediment. The greater educational marketplace contains many additional opportunities for students to be instructed in specific subjects and skills that will not be taught in our small school environment. To supplement the core curricular offerings at WSCA, we will actively encourage concurrent enrollment at Sierra College, in Sacramento State University's Accelerated College Entrance Program (ACE), and at other postsecondary institutions. (See Appendix 10 for information regarding concurrent enrollment at Sierra College and Sacramento State University.) Focus projects and independent study are additional options available to a student who wants to pursue in depth study of a body of information under the sponsorship of a WSCA teacher and/or an outside sponsor with prior agreement by WSCA administration. Additional details on the educational options available are detailed in a later part of this Section of the Charter.

**Research Backed Benefits of Grades Seven through Twelve on One Campus**

Offering grades seventh-sixth through twelve on a contiguous site is also a critically important part of our educational structure. This allows us to offer significant academic and social-emotional advantages to our students, while remaining administratively and fiscally efficient. Younger students will have an opportunity to have their own community within the school, but they will also be part of a close community of students which extend through grade twelve. Sixth, Seventh-seventh and eighth grade students who are academically ready will have the opportunity to take higher level classes. Enrolling students in sixth-seventh grade is also critically important for students who have academic deficiencies, so these potential deficiencies can be identified earlier, allowing appropriate remediation to occur. (Support for academically under-achieving is discussed in the section “At Risk Students: Plan for Students who are Academically Low Achieving.”) This ensures these students are on track to complete the coursework needed for admission to UC and selective private colleges.

Increased academic achievement using a sixth-seven through twelve grade school configuration has been researched and proven beneficial by means of increased retention, flexibility, leadership, parental involvement, and stability.

- **Increased retention:** Researcher Alspaugh found loss of academic knowledge from students when they transitioned from middle school to high school, and another research study revealed that dropout rates were higher among students who attended separate schools during the seventh through twelfth grade years. (See Appendix 11: The Interaction Effect of Transition Grade to High School with Gender and Grade Level upon Dropout Rates).
- **Flexibility:** 6-12 grade schools provide flexibility for accelerated students that split schools do not; high-achieving middle school students that otherwise would not be able to commute to high school would have the option to enroll in advanced coursework at the 9-12 grade level.
- **Leadership:** Schools with multiple grade levels have the advantage of optional cross-age activities to provide leadership opportunities for the older students as well as tutoring for the younger ones. (See Appendix 12: Grade Configuration: Who Goes Where?).
- **Parental involvement:** Parents tend to give more time to schools that have the larger academic grade span than in their typical two school counterparts. Parent involvement significantly increases the academic success of a school’s students. (See Appendix 12: Grade Configuration: Who Goes Where?)
- **Stability:** Having the sixthseventh through twelfth grades on one school location provides continuity and stability which allow the students to focus more intensely on academics rather than social or safety concerns. (See Appendix 12: Grade Configuration: Who Goes Where?)
Educational Program Overview

This section of the petition provides an overview of the Educational Program that will be provided by WSCA. The Educational Program Overview, combined with Section IV: MEASURABLE STUDENT OUTCOMES AND USES OF DATA, provides a clear and comprehensive picture of the total educational program that WSCA will provide.

Curriculum has been defined in many ways. For the purpose of the charter petition, we are using the definition of curriculum as a body of knowledge – content and/or subjects. Education, in this sense, is the process by which this subject knowledge is transmitted or 'delivered' to students by the most effective methods that can be devised (Blenkin et al 1992, Change and the Curriculum). More than just an amassing of facts, mastering this knowledge requires the mastery of other skills, especially higher order thinking skills. Complementing this section is an extensive section on Instructional Methods, which detail the range of methods that will be used by WSCA to ensure students learn the curriculum.

A Strong Foundation: Modeling WSCA’s Course Offerings on the Successful PCS Program

WSCA intends to offer instruction at a single, contiguous campus. WSCA will offer instruction of at least 175 days. It will also offer at least 54,000 annual instructional minutes in grades seven and eight, and at least 64,800 annual instructional minutes in grades nine through twelve, as required by the Education Code. The calendar is expected to be similar to that used the Existing RA schools, which is based on the existing calendar adopted by RUSD. See Appendix 13 for a copy of the 2008-09 year calendar for the Existing Schools.

Using Rocklin Academy’s sixth grade and PCS’s 7-12 course offerings as the foundation for WSCA course offerings will allow WSCA to immediately offer a proven and highly successful curriculum, which meets and exceeds California State Standards. It will also improve the transferability of students’ course credits to other high schools. It will also expedite the process of obtaining UC and CSU approval of WSCA’s courses, assuring students’ eligibility for UC and CSU admission, and admission at many other colleges and universities that accept UC standards. The addition of CIE courses and examinations (Cambridge International Exams) will add internationally scored examinations and internationally recognized coursework comparable to International Baccalaureate (‘IB”), further enhancing students opportunities to earn college credit and gain admission to selective public and private universities and colleges. Parents will be informed on an ongoing basis of the transferability of coursework to other schools and a course’s a-g eligibility status through the course catalog and the WSCA website.

The curriculum and graduation requirements of WSCA will be continually reviewed and improved. Faculty and administration will be responsible for improvements to the curriculum, course offerings, and graduation requirements. Input and assistance will come from the California Department of Education (e.g., curriculum frameworks) as well as education organizations (e.g., ASCD, UC etc.), and through a review of ongoing research. The Board will also provide oversight, and parents and students will provide input as well (e.g., parent and student surveys, informal discussions). The Board reserves the right to modify, amend, and improve WSCA’s curriculum, course offerings, and graduation requirements necessary to achieve the mission and goals of the Charter.

WSCA’s curriculum will be organized by department.

- The English curriculum will prepare students, beginning in the sixth grade, for successful completion of the AP English Language and English Literature courses they will take in the eleventh and twelfth grades respectively, or equivalent CIE examinations. This curriculum builds on the K-6 Core Knowledge curriculum used at the existing schools.
- The math curriculum will prepare students for AP calculus AB and BC or equivalent CIE examination by the twelfth grade, if they enter in seventh grade ready for pre-algebra or algebra. Many students will learn calculus in eleventh grade, some in tenth. This curriculum builds on the rigorous Saxon Math K-6 curriculum already in use at the existing schools.
The science curriculum will prepare students for AP courses and will integrate with prerequisite mathematics. The seventh and eighth grade science courses are organized thematically. By design, the themes retain interest in science by addressing common, yet scientifically rich topics at an introductory qualitative level. The courses introduce concepts that will be augmented later in ninth through twelfth grades, draw upon resources near to WSCA, and apply arithmetic and algebra to simple natural phenomena. The high school level biology, chemistry, and physics curricula follow the recommendations of UC and CSU for academic preparation of entering students in the natural sciences, and the most current California State Standards. This curriculum builds on the K-6 Core Knowledge curriculum already in the use at the existing schools.

The history curriculum will be grounded in a chronological study of worldwide human activities from ancient times to the present. Coursework in grades seven through eleven will survey major movements and events, utilizing a general text combined with in-depth studies of selected problems or areas of interest, including additional readings. This curriculum builds on the K-6 core Knowledge curriculum used at the existing schools.

The study of foreign languages at WSCA will give students exposure to cultures other than their own, facilitating the development of a global perspective. Students will be at a level of proficiency as required by University of California’s a-g requirements in at least one foreign language upon graduation. Planned language offerings are Spanish, Latin, and Mandarin. We will base the Fine Arts program upon the concept that fine arts are an essential component of a complete education and a requirement for cultural literacy.

An Exceptionally Strong Foundation: Courses Offering Adopted From Those Offered by PCS That Meet or Exceed State Standards AND Meet Requirements for CSU and UC Entrance

Curriculum and Content

WSCA begins with the significant advantage of a fully developed set of courses that are rich in content and are rigorous. California state standards represent the minimal level of academic achievement expected. These courses are designed to meet and/or exceed state standards. The courses also meet California State University and University of California requirements to establish eligibility for admission. Equally important these courses prepare students for college level work, or in many cases (e.g., AP courses) provide coursework at the college level. In addition to the course syllabuses, PCS is providing WSCA with access to supplemental course materials, assessments and other support material.

Curriculum is defined in many ways. For the purpose of this section of the charter petition, we are using the definition of curriculum as a sequenced body of knowledge-content and/or subjects. Education in this sense is the process by which this subject knowledge is transmitted or “delivered” to students by the most effective methods that can be devised (Blenkin et al 1992, Change and the Curriculum). More than just an amassing of facts, mastering this knowledge requires the mastery of many skills and abilities, (as included in the California Content Standards). For example literary response and analysis in Language Arts are skills developed through the study of literature. This includes developing an understanding of ambiguities and subtleties, and recognizing and understanding symbolism.

Complimenting this section is an extensive section on Instructional Methods, which detail the range of methods that will be used by WSCA to ensure students learn the curriculum. The other sections of the petition discuss the other aspects of the educational program, this includes teaching strategies,
instructional methods, and learning activities. It also includes assessment strategies, including formative and summative in the PLC and Assessment section.

The course of study at WSCA focuses on the traditional curriculum areas of mathematics, English, science, and history as well as additional emphasis on foreign languages and fine arts. The entire program is specifically designed to prepare students entering competitive colleges and universities worldwide.

For purposes of teacher qualifications under No Child Left Behind ("NCLB"), WSCA's definition of core and college preparatory subjects will be consistent with federal law, while acknowledging the flexibility provided charter schools for non-core, non-college preparatory classes. NCLB defines "core academic subjects" as English, reading or language arts, mathematics, science, civics and government, economics, arts, foreign languages, history, and geography.

Highlights of WSCA's Academic Program:

- High academic standards.
- Ensure that each student graduates with the foundation of coherent, relevant knowledge required for lifelong cultural maturity.
- Open to all students who are willing to be prepared to attend and succeed at any University of California or similar high quality private or public university.
- Initial evaluation of each student upon entering WSCA, to assess academic strengths and deficiencies and provide appropriate support services/opportunities.
- Concentration on quality instruction in the core academic areas of language arts, mathematics, science and history so that all students are prepared to take and pass Advanced Placement exams in these subject areas by the eleventh and twelfth grades. In addition, WSCA will also offer students the opportunity to take University of Cambridge International Courses and Examinations ("IGSCE").
- Promote the use of technology to support learning.
- Promote a global/international perspective in its academic and arts curriculum and emphasize second language learning to the level of proficiency in at least one foreign language.
- Prepare students for dynamic engagement in the fine arts.
- Provide a curriculum that is sequential and carefully articulated to provide a clear path to college.
- WSCA teachers will demonstrate mastery of and enthusiasm for their subject matter as well as the ability to communicate it effectively to students.
- WSCA regards parental involvement as integral and essential to its success.

Course Offerings Adopted From Those Offered By PCS Meet or Exceed State Standards AND Meet Requirements for CSU and UC Entrance

WSCA begins with the significant advantage of a fully developed set of courses that are rich in content and embody high academic standards. California state standards represent a base level of academic achievement, these courses are designed to meet and/or exceed state standards. The courses also meet California State University and University of California requirements to establish eligibility for admission. An example of how this course work meets state standards is illustrated in Appendix 33. Appendix 33 details the material covered in the course, including references to the appropriate state standards. Equally important these courses prepare students for college level work, or in many cases (e.g., AP courses) provide coursework at the college level. In addition to the course syllabuses, PCS is providing WSCA with access to supplemental course materials, assessments and other support material.
## Instructional Materials

WSCA will use textbooks and related instructional material that effectively supports the course objectives and state and Core Knowledge (7-8 grades) standards. In selecting instructional materials WSCA will review the degree to which instructional materials meet (and/or exceed) state standards. WSCA will be guided in this work by the state content standards, curriculum frameworks and Standards Maps. The table below is a tentative listing of textbooks for WSCA, developed from the textbooks currently being used successfully by PCS. WSCA will continue to review this listing and will adopt newer or better textbooks as appropriate.

### WSCA Textbook Selections

<table>
<thead>
<tr>
<th>Grade</th>
<th>6th Grade</th>
<th>7th Grade</th>
<th>8th Grade</th>
<th>9th Grade</th>
<th>10th Grade</th>
<th>11th Grade</th>
<th>12th Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENGLISH</td>
<td>Tom Sawyer&lt;br&gt;The Call of the Wild&lt;br&gt;The Man From Nowhere&lt;br&gt;Of Mice and Men&lt;br&gt;The Monkey</td>
<td>Goddess of Yesterday&lt;br&gt;The Thief Of Baghdad&lt;br&gt;The Tale of Sinbad&lt;br&gt;The Arabian Nights&lt;br&gt;The Sea of Stories</td>
<td>Beowulf&lt;br&gt;The Arabian Nights&lt;br&gt;Helen &amp; The Sea&lt;br&gt;Sir Gawain and the Green Knight&lt;br&gt;Grendel</td>
<td>Things Fall Apart&lt;br&gt;Master Harold and the Boys&lt;br&gt;The End of the World&lt;br&gt;The Sound of Waves&lt;br&gt;Anna Karenina</td>
<td>Animal Farm&lt;br&gt;The Final Solution&lt;br&gt;A Christmas Carol&lt;br&gt;The Great Gatsby&lt;br&gt;The Old Man and the Sea</td>
<td>The Norton Anthology of Poetry&lt;br&gt;The Human Record&lt;br&gt;The Human Record</td>
<td>The Norton Anthology of Poetry&lt;br&gt;The Human Record&lt;br&gt;The Human Record</td>
</tr>
</tbody>
</table>

| MATH | Pre-Algebra<br>McDougal Littles | Algebra I<br>McDougal Littles | Algebra II<br>McDougal Littles | Geometry<br>McDougal Littles | Pre-Calculus<br>Houghton Mifflin | Stats: Modeling the World<br>Stech | Pre-Calculus<br>Houghton Mifflin | Stats: Modeling the World<br>Stech |


| FOREIGN LANGUAGE | Latin I<br>Ecce Romanum<br>LA<br>Spanish I<br>En Espanol<br>Mandarin - TBD | Latin II<br>Ecce Romanum<br>LA<br>Spanish II<br>En Espanol<br>Mandarin<br>Situaciones<br>Mandarin - TBD | Latin III<br>Ecce Romanum<br>LA<br>Spanish III<br>En Espanol<br>Mandarin<br>TBD | AP Latin<br>Various Literature<br>AP Spanish<br>Preparing for the Language Exam<br>Mandarin - TBD | Elective | Elective | Elective | Elective | Elective |

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### Instructional Materials

WSCA will use textbooks and related instructional material that effectively supports the course objectives and state and Core Knowledge (7-8 grades) standards. In selecting instructional materials WSCA will review the degree to which instructional materials meet (and/or exceed) state standards. WSCA will be guided in this work by the state content standards, curriculum frameworks and Standards Maps. The table below is a tentative listing of textbooks for WSCA, developed from the textbooks currently being used successfully by PCS. WSCA will continue to review this listing and will adopt newer or better textbooks as appropriate.
The A-G Curriculum: A Rigorous Curriculum for All

Planned Course Offerings – Grades Seven Through Twelve

Six year Course Sequence

Listed below is an overview of the typical courses a student will take during the six years as student at WSCA. The table outlines the expected seven year course sequence in an easy to understand format. The table includes a breakout by subject, applicable graduation requirements and course title. This sequence is derived from the sequence at PCS.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Graduation Requirements</th>
<th>Grade 7</th>
<th>Grade 8</th>
<th>Grade 9</th>
<th>Grade 10</th>
<th>Grade 11</th>
<th>Grade 12</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENGLISH</td>
<td>4 years, taken grades 9-12</td>
<td>English 7*</td>
<td>English 8*</td>
<td>English 9*</td>
<td>English 10*</td>
<td>AP English Language</td>
<td>AP English Language</td>
</tr>
<tr>
<td>HISTORY</td>
<td>3 years, taken grades 9-12</td>
<td>History 7*</td>
<td>History 8*</td>
<td>History 9*</td>
<td>AP World History*</td>
<td>AP US History*</td>
<td>Elective</td>
</tr>
<tr>
<td>SCIENCE</td>
<td>3 years, taken grades 9-12</td>
<td>Science 7</td>
<td>Science 8*</td>
<td>Conceptual Physics*</td>
<td>Chemistry*</td>
<td>AP Biology*</td>
<td>Elective</td>
</tr>
<tr>
<td>MATH</td>
<td>Pre-Algebra, Algebra I, Algebra II, Geometry*</td>
<td>Pre-Algebra</td>
<td>Algebra I*</td>
<td>Algebra II*</td>
<td>Geometry*</td>
<td>Pre-Calculus</td>
<td>Elective</td>
</tr>
<tr>
<td>ARTS</td>
<td>Elective*</td>
<td>Elective*</td>
<td>Arts*</td>
<td>Arts*</td>
<td>Arts*</td>
<td>Elective</td>
<td></td>
</tr>
<tr>
<td>FOREIGN LANGUAGE</td>
<td>3 years of the same language, taken in any grade</td>
<td>Foreign Language Level I*</td>
<td>Foreign Language Level II*</td>
<td>Foreign Language Level III*</td>
<td>Elective</td>
<td>Elective</td>
<td>Elective</td>
</tr>
</tbody>
</table>

*Required Courses
Electives are any college preparatory coursework beyond graduation requirements. Three years of electives are required in grades 9-12. 2400 units required in grades 9-12 for graduation.

COURSE OFFERINGS (Course List subject to change)

<table>
<thead>
<tr>
<th>English</th>
<th>Theater Arts</th>
<th>Visual Arts</th>
<th>Mathematics</th>
</tr>
</thead>
<tbody>
<tr>
<td>English 7, American Literature</td>
<td>7th Grade Performing Arts</td>
<td>Art 1,2,3</td>
<td>Pre-Algebra</td>
</tr>
<tr>
<td>English 9, Medieval World Literature</td>
<td>Drama I Beginning</td>
<td>AP Studio Arts</td>
<td>Algebra I</td>
</tr>
<tr>
<td>English 10, Modern World Literature</td>
<td>Drama II – Intermediate</td>
<td>AP Art History</td>
<td></td>
</tr>
<tr>
<td>AP English Language, 11th Grade</td>
<td>Drama III – Advanced Studio Art</td>
<td>Geometry</td>
<td></td>
</tr>
<tr>
<td>AP English Literature, 12th Grade</td>
<td>Dance</td>
<td>AP Calculus</td>
<td></td>
</tr>
<tr>
<td>Rhetoric and Oratory</td>
<td>Video Production</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Study Skills</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>History</th>
<th>Science</th>
<th>Music</th>
<th>Special Programs for Course Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>History 7 US History</td>
<td>Science, Life Science</td>
<td>Music I – Beginning Instrumental</td>
<td>Focus Project</td>
</tr>
<tr>
<td>History 8, Ancient World History</td>
<td>Science, Physical Science</td>
<td>Music II – Advanced Instrumental</td>
<td>Independent</td>
</tr>
<tr>
<td>History 9, Medieval World History</td>
<td>Conceptual Physics</td>
<td>Music III – Performance/Symphonic Student Government</td>
<td></td>
</tr>
<tr>
<td>AP World History</td>
<td>Chemistry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AP US History</td>
<td>AP Biology</td>
<td></td>
<td>Teaching Assistant</td>
</tr>
<tr>
<td>UP US Government/Comparative Politics</td>
<td>AP Physics</td>
<td></td>
<td>Literary Magazine</td>
</tr>
<tr>
<td></td>
<td>AP Chemistry</td>
<td></td>
<td>Journalism</td>
</tr>
<tr>
<td></td>
<td>AP Environmental Science</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Languages
Latin I, II, III, AP
Spanish I, II, III, AP
Mandarin I, II, III, AP
Course Guide for an Educational Program that Meets and Exceeds State Standards

As indicated throughout the charter document, PCS is the foundation for WSCA. WSCA is using the PCS course offerings as the foundation for its course offerings. The use of PCS’s course syllabi, listing of textbooks, supplemental materials, and assessment resources provide an outstanding foundation for WSCA Curriculum. The PCS courses meet a broad range of requirements as appropriate, with lower level classes meeting state standards, meeting the requirements of the University of California for a-g classes, and their AP classes meet the requirements of the College Board for AP. The use of these resources from PCS will ensure WSCA’s curriculum, and the specific courses it offers will also meet, meets and exceed state standards, meet a-g requirements, and meet AP standards. Equally important this course sequence/curriculum also prepares students for entry and success in college.

Enclosed as Appendix 39 is the Draft WSCA Collegiate Course Guide. It shows the range of courses WSCA expects to offer. The Course Guide provides a description of courses, course objectives and course materials such as textbooks and supplemental readings. Also included in this section is a listing of textbooks used by PCS. WSCA will use these textbooks (and related instructional materials and resources from PCS) as the foundation for its courses.

Sample Course Offering – Grade Nine

To illustrate the completeness and quality of the courses WSCA will offer, and the collaboration WSCA is receiving from PCS, the course syllabus for Readings in Modern History is included as Appendix 33. Included above in the seven year course sequence is the listing of course offerings that WSCA is planning for ninth grade. These courses are engaging and rigorous. These courses also meet state standards.

Copies of the full draft course descriptions for each of the courses are included in Appendix 39.

Student Handbook

Consistent with our replication of the educational program at PCS, WSCA will adopt and adapt the PCS Student Handbook for its own use. See Appendix 14 for the PCS Student Handbook.

Sixth, Seventh and Eighth Grade Curriculum

The curriculum in grades sixth, seventh and eighth will follow state standards and the Core Knowledge Curriculum Sequence (“CK Sequence”). The CK Sequence is a nationally acclaimed, research proven curriculum sequence that meets and often exceeds California state standards. WSCA, working in conjunction with the faculty of Rocklin Academy and the Core Knowledge Foundation have a comprehensive alignment of the California State Standards and Core Knowledge standards. This alignment will drive instruction at the 6th, 7th and 8th grade levels. Included below are three excerpts from this alignment, the first two are 7th grade language arts, the third excerpt is from 8th grade science; California Standard Motion.
### 1.0 Word Analysis, Fluency, and Systematic Vocabulary Development

#### Vocabulary and Concept Development:
1.2 Use knowledge of Greek, Latin, and Anglo-Saxon roots and affixes to understand content-area vocabulary.

1.3 Clarify word meanings through the use of definition, example, restatement, or contrast.

<table>
<thead>
<tr>
<th>California State Standards</th>
<th>Core Knowledge Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>E.</td>
<td>Vocabulary</td>
</tr>
<tr>
<td>Latin/Greek Word</td>
<td>Examples</td>
</tr>
<tr>
<td>ab [L]</td>
<td>abnormal, absent</td>
</tr>
<tr>
<td>ad [L]</td>
<td>advocate, advance</td>
</tr>
<tr>
<td>amo [L]</td>
<td>amiable, amorous</td>
</tr>
<tr>
<td>audio [L]</td>
<td>audience, insubordinate</td>
</tr>
<tr>
<td>auto [G]</td>
<td>automobile, autoroute</td>
</tr>
<tr>
<td>bene [L]</td>
<td>beneficial, benefit</td>
</tr>
<tr>
<td>circum [L]</td>
<td>circular, circumference</td>
</tr>
<tr>
<td>celer [L]</td>
<td>accelerate</td>
</tr>
<tr>
<td>chrono [G]</td>
<td>chronological</td>
</tr>
<tr>
<td>crease [L]</td>
<td>decrease, decrease</td>
</tr>
<tr>
<td>cum [L]</td>
<td>composite, accommodate</td>
</tr>
<tr>
<td>curvo [L]</td>
<td>course, current</td>
</tr>
<tr>
<td>demoe [G]</td>
<td>democracy, epidemic</td>
</tr>
<tr>
<td>erro [L]</td>
<td>error, erratic</td>
</tr>
<tr>
<td>ex [L]</td>
<td>exclude, exhaust</td>
</tr>
<tr>
<td>extra [L]</td>
<td>extraneous, extraordinary</td>
</tr>
<tr>
<td>facio [L]</td>
<td>effect, affect</td>
</tr>
<tr>
<td>fer [L]</td>
<td>confer, confer</td>
</tr>
<tr>
<td>fragilis [L]</td>
<td>fragile, fragment</td>
</tr>
<tr>
<td>fina [L]</td>
<td>fine, utility</td>
</tr>
<tr>
<td>homoe [G]</td>
<td>homogenous</td>
</tr>
<tr>
<td>hyper [G]</td>
<td>hypertension</td>
</tr>
<tr>
<td>hygro [G]</td>
<td>hypodermic, s</td>
</tr>
<tr>
<td>jaccio [L]</td>
<td>eject, interject</td>
</tr>
<tr>
<td>junio [L]</td>
<td>eject, interject</td>
</tr>
<tr>
<td>malacous [G]</td>
<td>manufacture, form</td>
</tr>
<tr>
<td>manus [L]</td>
<td>metamorphosis, new</td>
</tr>
<tr>
<td>maro [G]</td>
<td>metaplasia, paranesthesia</td>
</tr>
<tr>
<td>nemo [G]</td>
<td>metatarsal, pedicle</td>
</tr>
<tr>
<td>pan [L]</td>
<td>metatarsal, pedicle</td>
</tr>
<tr>
<td>pedis [L]</td>
<td>metatarsal, pedicle</td>
</tr>
<tr>
<td>polis [L]</td>
<td>metatarsal, pedicle</td>
</tr>
<tr>
<td>pro [L]</td>
<td>metatarsal, pedicle</td>
</tr>
<tr>
<td>pseudos [G]</td>
<td>pseudocopy, propose</td>
</tr>
<tr>
<td>re [L]</td>
<td>proceed, propose, a lec</td>
</tr>
<tr>
<td>scribral [L]</td>
<td>proceed, propose, a lec</td>
</tr>
<tr>
<td>sono [L]</td>
<td>proceed, propose, a lec</td>
</tr>
<tr>
<td>secundus [L]</td>
<td>proceed, propose, a lec</td>
</tr>
<tr>
<td>solus [L]</td>
<td>proceed, propose, a lec</td>
</tr>
<tr>
<td>speccio [L]</td>
<td>proceed, propose, a lec</td>
</tr>
<tr>
<td>strictius [L]</td>
<td>proceed, propose, a lec</td>
</tr>
<tr>
<td>suber [L]</td>
<td>proceed, propose, a lec</td>
</tr>
<tr>
<td>super [L]</td>
<td>proceed, propose, a lec</td>
</tr>
<tr>
<td>syn [G]</td>
<td>synchronize, synthesis</td>
</tr>
<tr>
<td>tendo [L]</td>
<td>tension, intense</td>
</tr>
<tr>
<td>tendo [L]</td>
<td>tension, intense</td>
</tr>
<tr>
<td>tendo [L]</td>
<td>tension, intense</td>
</tr>
<tr>
<td>trion [L]</td>
<td>tension, intense</td>
</tr>
<tr>
<td>vialeo [L]</td>
<td>tension, intense</td>
</tr>
<tr>
<td>venio [L]</td>
<td>tension, intense</td>
</tr>
<tr>
<td>volvo [L]</td>
<td>tension, intense</td>
</tr>
<tr>
<td>volvo [L]</td>
<td>tension, intense</td>
</tr>
<tr>
<td>zoon, zoo [G]</td>
<td>tension, intense</td>
</tr>
</tbody>
</table>

Animal, life
Zoology, protozoa
<table>
<thead>
<tr>
<th>California State Standards</th>
<th>Core Knowledge Standards</th>
</tr>
</thead>
</table>

### II. POETRY

#### A. Poems

- Annabel Lee (Edgar Allan Poe)
- Because I could not stop for Death (Emily Dickinson)
- The Charge of the Light Brigade (Alfred Lord Tennyson)
- The Chimney Sweeper (both versions from *The Songs of Innocence* and *The Songs of Experience* by William Blake)
- The Cremation of Sam McGee (Robert Service)
- Dulce et Decorum Est (Wilfred Owen)
- Fire and Ice; Nothing Gold Can Stay (Robert Frost)
- Heritage (Countee Cullen)
- Macavity; The Mystery Cat (T.S. Eliot)
- The Negro Speaks of Rivers; Harlem; Lise is Fine (Langston Hughes)
- This Is Just to Say; The Red Wheelbarrow (William Carlos Williams)

#### B. Elements of Poetry

- Rhyme, meter, iamb, rhyme scheme, free verse, couplet, onomatopoeia, alliteration
- Stanzas and refrains
- Forms: ballad, sonnet, lyric, narrative, limerick, haiku
- Types of rhyme: end, internal, slant, eye
### California State Standards

<table>
<thead>
<tr>
<th>C. Grammar</th>
<th>Core Knowledge Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parts of the Sentence</td>
<td></td>
</tr>
<tr>
<td>• Prepositional phrases</td>
<td></td>
</tr>
<tr>
<td>Identify as adjectival or adverbial</td>
<td></td>
</tr>
<tr>
<td>Identify word(s) modified by the prepositional phrase</td>
<td></td>
</tr>
<tr>
<td>Object of preposition (note that pronouns are in objective case)</td>
<td></td>
</tr>
<tr>
<td>Punctuation of prepositional phrases</td>
<td></td>
</tr>
<tr>
<td>• Subject and verb</td>
<td></td>
</tr>
<tr>
<td>Find complete subject and complete predicate</td>
<td></td>
</tr>
<tr>
<td>Identify simple subject and simple verb (after eliminating prepositional phrases):</td>
<td></td>
</tr>
<tr>
<td>in statements</td>
<td></td>
</tr>
<tr>
<td>in questions</td>
<td></td>
</tr>
<tr>
<td>in commands (you understood)</td>
<td></td>
</tr>
<tr>
<td>with there and here</td>
<td></td>
</tr>
<tr>
<td>Auxiliary verbs</td>
<td></td>
</tr>
<tr>
<td>Noun of direct address</td>
<td></td>
</tr>
<tr>
<td>Subject-verb agreement</td>
<td></td>
</tr>
<tr>
<td>with compound subjects</td>
<td></td>
</tr>
<tr>
<td>with compound subjects joined by or</td>
<td></td>
</tr>
<tr>
<td>with indefinite pronouns (for example, everyone, anyone, some, all)</td>
<td></td>
</tr>
<tr>
<td>• Complements</td>
<td></td>
</tr>
<tr>
<td>Find direct and indirect objects</td>
<td></td>
</tr>
<tr>
<td>Review linking vs. action verbs</td>
<td></td>
</tr>
<tr>
<td>Predicate nominative</td>
<td></td>
</tr>
<tr>
<td>Predicate adjective</td>
<td></td>
</tr>
<tr>
<td>• Appositives</td>
<td></td>
</tr>
<tr>
<td>Identify and tell which noun is renamed</td>
<td></td>
</tr>
<tr>
<td>Use of commas with appositive phrases</td>
<td></td>
</tr>
<tr>
<td>• Participles</td>
<td></td>
</tr>
<tr>
<td>Identify past, present participles</td>
<td></td>
</tr>
<tr>
<td>Identify participial phrases</td>
<td></td>
</tr>
<tr>
<td>Find the noun modified</td>
<td></td>
</tr>
<tr>
<td>Commas with participial phrases</td>
<td></td>
</tr>
<tr>
<td>• Gerunds and gerund phrases</td>
<td></td>
</tr>
<tr>
<td>Identify and tell its use in the sentence (subject, direct object, indirect object, appositive, predicate nominative, object of preposition)</td>
<td></td>
</tr>
<tr>
<td>• Infinitives and infinitive phrases</td>
<td></td>
</tr>
<tr>
<td>Adjective and adverbs: find the word it modifies</td>
<td></td>
</tr>
<tr>
<td>Noun: tell its use in the sentence</td>
<td></td>
</tr>
<tr>
<td>Clauses</td>
<td></td>
</tr>
<tr>
<td>Review: sentences classified by structure</td>
<td></td>
</tr>
<tr>
<td>Simple; compound (coordinating conjunctions v. conjunctive adverbs); complex; compound-complex</td>
<td></td>
</tr>
<tr>
<td>Review independent (main) v. dependent (subordinate) clauses</td>
<td></td>
</tr>
<tr>
<td>• Kinds of dependent clauses</td>
<td></td>
</tr>
<tr>
<td>Adjective clauses</td>
<td></td>
</tr>
<tr>
<td>Identify and tell noun modified</td>
<td></td>
</tr>
<tr>
<td>Introductory words: relative pronouns, relative adverbs (where, when) implied “that”</td>
<td></td>
</tr>
<tr>
<td>Comma with nonrestrictive (nonessential) adjective clause</td>
<td></td>
</tr>
<tr>
<td>Adverb clauses</td>
<td></td>
</tr>
<tr>
<td>Identify and tell the word(s) modified</td>
<td></td>
</tr>
<tr>
<td>Subordinating conjunctions (for example, because, although, when, since, before, after, as soon as, where)</td>
<td></td>
</tr>
<tr>
<td>Comma after introductory adverbial clause</td>
<td></td>
</tr>
<tr>
<td>Noun clauses</td>
<td></td>
</tr>
<tr>
<td>Identify and tell use in the sentence (subject, predicate nominative, direct object, indirect object, object of preposition, appositive, objective complement, noun of direct address)</td>
<td></td>
</tr>
</tbody>
</table>

### Written and Oral English Language Conventions

**Sentence Structure:**

1.1 Place modifiers properly and use the active voice.

**Grammar:**

1.2 Identify and use infinitives and participles and make clear references between pronouns and antecedents.

1.3 Identify all parts of speech and types and structure of sentences.

1.4 Demonstrate the mechanics of writing (e.g., quotation marks, commas at end of dependent clauses) and appropriate English usage (e.g., pronoun reference).
<table>
<thead>
<tr>
<th>California State Standards</th>
<th>Core Knowledge Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.0 Written and Oral English Language Conventions</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Spelling</strong></td>
<td></td>
</tr>
<tr>
<td>1.7 Spell derivatives correctly by applying the spellings of bases and affixes.</td>
<td></td>
</tr>
</tbody>
</table>

**D. Spelling**
- Continue work with spelling, with special attention to commonly misspelled words, including:

<table>
<thead>
<tr>
<th>California State Standards</th>
<th>Core Knowledge Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>achievement</td>
<td>despise</td>
</tr>
<tr>
<td>address</td>
<td>muscular</td>
</tr>
<tr>
<td>analysis</td>
<td>occasionally</td>
</tr>
<tr>
<td>anonymous</td>
<td>scholar</td>
</tr>
<tr>
<td>argument</td>
<td>doesn't</td>
</tr>
<tr>
<td>beginning</td>
<td>occasionally</td>
</tr>
<tr>
<td>business</td>
<td>occasionally</td>
</tr>
<tr>
<td>college</td>
<td>occasion</td>
</tr>
<tr>
<td>conscience</td>
<td>occasionally</td>
</tr>
<tr>
<td>control</td>
<td>occasionally</td>
</tr>
<tr>
<td>criticism</td>
<td>occasionally</td>
</tr>
<tr>
<td>definite</td>
<td>occasionally</td>
</tr>
<tr>
<td>immediate</td>
<td>occasionally</td>
</tr>
<tr>
<td>interpret</td>
<td>occasionally</td>
</tr>
<tr>
<td>knowledge</td>
<td>occasionally</td>
</tr>
<tr>
<td>lieutenan</td>
<td>occasionally</td>
</tr>
<tr>
<td>medieval</td>
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<td>microscopic</td>
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<td>patiently</td>
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<td>recognize</td>
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<td>rememberance</td>
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<td>responsibility</td>
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<td>rhyme</td>
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<td>scholar</td>
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<td>shepherd</td>
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<td>sincerely</td>
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<td>succeed</td>
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<td>tendency</td>
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<td>thorough</td>
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<td>true</td>
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<tr>
<td>woman</td>
<td>occasionally</td>
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8th grade science; California Standard Motion.

<table>
<thead>
<tr>
<th>California State Standards</th>
<th>Core Knowledge Standards</th>
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**Motion**
1. The velocity of an object is the rate of change of its position. As a basis for understanding this concept:
   a. Students know position is defined in relation to some choice of a standard reference point and a set of reference directions.
   b. Students know that average speed is the total distance traveled divided by the total time elapsed and that the speed of an object along the path traveled can vary.
   c. Students know how to solve problems involving distance, time, and average speed.
   d. Students know the velocity of an object must be described by specifying both the direction and the speed of the object.
   e. Students know changes in velocity may be due to changes in speed, direction, or both.
   f. Students know how to interpret graphs of position versus time and graphs of speed versus time for motion in a single direction.

**Forces**
2. Unbalanced forces cause changes in velocity. As a basis for understanding this concept:
   a. Students know a force has both direction and magnitude.
   b. Students know when an object is subject to two or more forces at once, the result is the cumulative effect of all the forces.
   c. Students know when the forces on an object are balanced, the motion of the object does not change.
   d. Students know how to identify separately the two or more forces that are acting on a single static object, including gravity, elastic forces due to tension or compression in matter, and friction.
   e. Students know that when the forces on an object are unbalanced, the object will change its velocity (that is, it will speed up, slow down, or change direction).
   f. Students know the greater the mass of an object, the more force is needed to achieve the same rate of change in motion.
   g. Students know the role of gravity in forming and maintaining the shape of planets, stars, and the solar system.

**Density and Buoyancy**
8. All objects experience a buoyant force when immersed in a fluid. As a basis for understanding this concept:
   a. Students know density is mass per unit volume.
   b. Students know how to calculate the density of substances (regular and irregular solids and liquids) from measurements of mass and volume.
   c. Students know the buoyant force on an object in a fluid is upward force equal to the weight of the fluid the object has displaced.
   d. Students know how to predict whether an object will float or sink.

**I. PHYSICS**

**A. Motion**
- Velocity and speed
  The velocity of an object is the rate of change of its position in a particular direction. Speed is the magnitude of velocity expressed in distance covered per unit of time. Changes in velocity can involve changes in speed or direction or both.

- Average speed = total distance traveled divided by the total time elapsed
  Formula: Speed = Distance/Time (S = D/T)
  Familiar units for measuring speed: miles or kilometers per hour

**B. Forces**
- The concept of force: force as a push or pull that produces a change in the state of motion of an object
  Examples of familiar forces (such as gravity, magnetic force)
  A force has both direction and magnitude.

- Measuring force: expressed in units of mass, pounds in English system, newtons in metric system
  Unbalanced forces cause changes in velocity.
  If an object is subject to two or more forces at once, the effect is the net effect of all forces.
  The motion of an object does not change if all the forces on it are in balance, having no effect zero.
  The motion of an object changes in speed or direction if the forces on it are unbalanced, having net effect other than zero.
  To achieve a given change in the motion of an object, the greater the force required.

**C. Density and Buoyancy**
- When immersed in a fluid (i.e. liquid or gas), all objects experience a buoyant force.
  The buoyant force on an object is an upward (counter-gravity) force equal to the weight of the fluid displaced by the object.
  Density = mass per unit volume

- Relation between mass and weight (equal masses at same location have equal weights)
- How to calculate density of regular and irregular solids from measurements of mass and volume
- The experiment of Archimedes
- How to predict whether an object will float or sink

**D. Work**
- In physics, work is a relation between force and distance; work is done when force is exerted over a distance.
  Equation: Work equals Force x Distance (W = F x D)
  Common units for measuring work: foot-pounds (in English system), joules (in metric system); 1 joule = 1 newton of force x 1 meter of distance

**VI. SCIENCE BIOGRAPHIES**
Albert Einstein

**VI. SCIENCE BIOGRAPHIES**
Isaac Newton
(From Grade 6 Core Knowledge)
The Core Knowledge sequence is more specific and includes more content. This is easily apparent in these three examples. In the delivery of the curriculum, WSCA students will benefit from the coverage of California Standards plus the additional content and depth of the Core Knowledge Sequence.

In addition to the strong Core Knowledge curriculum, the students will be able to have accelerated learning tracks to differentiate instruction. A seventh grade student may be placed in a higher level in Spanish should teacher evaluations affirm the need for a particular student. Due to the on-site availability of high school classes, seventh and eighth grade students will have the advantage to easily move to their appropriate instructional level in all subjects. Teachers will also use supplemental instructional material to meet specific state standards that are different from those included in the Core Knowledge curriculum or are assessed through STAR, such as additional material regarding California history.

The content and rigor of the sixth, seventh and eighth grade curriculum will provide a strong foundation for the advanced academic work in grades nine through twelve. See Appendix 15 for a comprehensive outline of the Core Knowledge Sequence for grades sixth, seven and eight. Appendix 16 is the very extensive and very detailed alignment of Core Knowledge and California State Standards that will be covered in 7th and 8th grade. There is also an extensive research base documenting the effectiveness of Core Knowledge. See Appendix 17 for a summary of the research on the effectiveness of Core Knowledge.

**Ninth through Twelfth Grade Curriculum**

**The A-G Curriculum: A Rigorous 9-12 Curriculum for All**

- Research shows that preparing young people for work and for college in today’s high-level economy demands exactly the same preparation. The same skills, the same courses, taught with the same rigor. In California that means the A-G curriculum.”

- Higher Expectations Beget Higher Student Achievement and Graduation Rates…. Too many assume that A-G is just too hard for most students. It isn’t. The truth is all students will do better.”

*Excerpts from Why Students and Parents Want and Need Rigorous Coursework In California High Schools The Education Trust - West*

WSCA’s a-g curriculum foundation is a curriculum foundation for all students. As expressed in the two quotes from the Education Trust West publication -Why Students and Parents Want and Need Rigorous Coursework in California High School” offering an a-g curriculum to all students is the right choice for all high schools. As discussed in more depth in the Education Trust – West publication THE A–G CURRICULUM: COLLEGE-PREP? Work-PREP? LIFE-PREP. Understanding and Implementing a Rigorous Core Curriculum for All, the a-g curriculum is appropriate and desirable for preparing students for four year colleges and universities, community colleges, other post-secondary training and the world of work. As the publications detail, the implementation of an a-g curriculum as a graduation requirement for individual schools and entire districts has been effective in raising academic achievement for students and closing the achievement gap. The Superintendent of Public Instruction O’Connell and the California Depart of Education support the adoption of an a-g curriculum for all high school students. San Jose Unified School District implemented this in 2002 and Los Angeles Unified has implemented this requirement for all students entering the 9th grade in 2008.

Education Trust West publication -Why Students and Parents Want and Need Rigorous Coursework in California High School” and –THE A–G CURRICULUM: COLLEGE-PREP? Work-PREP? LIFE-PREP. Understanding and Implementing a Rigorous Core Curriculum for All” are included as Appendix 40.
Course Requirements

As WSCA grows and offers enrollment in grades sixth through twelve, it is the expectation that all students will take Advanced Placement (AP) classes and/or University of Cambridge International Examinations (IGSCE) courses in many subjects by the time they are in the eleventh and twelfth grades; AP classes and/or IGSCE consequently form an integral part of the basic curriculum. Beginning in the sixteenth grade, classes prepare students for success in upper-level AP and IGSCE courses. Accelerated students, who have the requisite skills, may advance into classes well beyond their years. An advanced eighth grade math student could enroll in calculus; or an advanced student of language could enroll in AP Spanish in the ninth grade. This breadth of vertical alignment is unique, but it is essential for preparing students to excel in a rigorous college atmosphere.

WSCA school structure will be different than that of a comprehensive high school. WSCA access to the CIE/IGSCE courses provides an unparalleled depth of internationally accepted courses, the small school community promotes more personal relationships between and among students and faculty, and the school both accommodates and encourages different learning rates and approaches.

All WSCA students are required to meet all California graduation requirements and enroll in courses required to complete the a-g requirements for enrollment in the University of California (UC) and the requirements for enrollment in the California State University (CSU) system. WSCA is knowledgeable of the UC a-g course approval process. WSCA will obtain UC a–g approval for a wide range of courses. Our course syllabus for these courses will be based on the PCS course syllabuses approved as meeting a-g requirements. Submission of courses for a-g approval will occur in accordance with the UC guidelines, (e.g., March 16 of the prior year). Our course catalog will indicate the courses that are UC approved for college entry requirements, and will be updated in a timely manner. For any student transferring out of WSCA, parents will be notified in writing about the courses that have meet a-g requirements as part of the exit procedure.

The table below outlines the graduation requirements that will be required of graduates and a comparison to the current UC a-g requirements. Prospective parents and students will be informed which of our course offerings meet UC and CSU entrance requirements through application materials and in the course catalog. This will also be highlighted through the counseling process and on the WSCA website.

<table>
<thead>
<tr>
<th>Department</th>
<th>WSCA Graduation Requirements (240 Units, 24 Courses)</th>
<th>UC A-G Requirements</th>
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</thead>
<tbody>
<tr>
<td>Math</td>
<td>4 Years (40 units)</td>
<td>Three years (four years recommended) of college-preparatory mathematics that include the topics covered in elementary and advanced algebra and two- and three-dimensional geometry. Approved integrated math courses may be used to fulfill part or all of this requirement, as may math courses taken in the seventh and eighth grades if the high school accepts them as equivalent to its own courses.</td>
</tr>
<tr>
<td>Science</td>
<td>3 Years, 2 Years lab science (30 units)</td>
<td>Two years (three years recommended) of laboratory science providing fundamental knowledge in two of these three foundational subjects; biology, chemistry and physics. The final two years of an approved three-year integrated science program that provides rigorous coverage of at least two of the three foundational subjects may be used to fulfill this requirement.</td>
</tr>
<tr>
<td>Foreign Language</td>
<td>2 Years (20 units)</td>
<td>Two years (three years recommended) of the same language other than English. Courses should emphasize speaking and understanding, and include instruction in grammar, vocabulary, reading, composition and culture. American Sign Language and classical languages, such as Latin and Greek,</td>
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</tbody>
</table>
Courses taken in the seventh and eighth grades may be used to fulfill part or all of this requirement if the high school accepts them as equivalent to its own courses.

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<thead>
<tr>
<th>Course</th>
<th>Requirement</th>
<th>Description</th>
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<tbody>
<tr>
<td>Fine Arts</td>
<td>2 Years (20 units)</td>
<td>One yearlong course of visual and performing arts chosen from the following: dance, drama/theater, music or visual art</td>
</tr>
<tr>
<td>Electives</td>
<td>6 Classes (60 Units)</td>
<td>One year (two semesters), in addition to those required in &quot;a-f&quot; above, chosen from the following areas: visual and performing arts (non-introductory-level courses), history, social science, English, advanced mathematics, laboratory science and language other than English (a third year in the language used for the &quot;e&quot; requirement or two years of another language)</td>
</tr>
<tr>
<td>History/Social Science</td>
<td>3 Years (30 Units)</td>
<td>Two years of history/social science, including: One year of world history, cultures and geography (may be a single yearlong course or two one-semester courses), and one year of U.S. history or one-half year of U.S. history and one-half year of civics or American government.</td>
</tr>
<tr>
<td>English</td>
<td>4 Years (40 Units)</td>
<td>Four years of college-preparatory English courses that include frequent writing, from brainstorming to final paper, as well as reading of classic and modern literature.</td>
</tr>
</tbody>
</table>
University of Cambridge International Examinations (CIE)

After two years of operations, as part of the scheduled development of WCSA, WSCA plans to apply to participate as a CIE Exam Center and in the Advanced International Certificate of Education (AICE) Diploma program which is administered and assessed by University of Cambridge International Examinations (CIE), a not-for-profit department of the world renowned University of Cambridge in the United Kingdom (England). CIE offers a wide range of academic and vocational qualifications in more than 150 countries. Their high quality and comprehensive application process insures the quality of the coursework and the integrity of the examination process.

AICE is an international pre-university curriculum and examination system, which emphasizes the value of broad and balanced study for academically able students. It is flexible, and the structure of the curriculum encourages in-depth, working knowledge of each subject. Its essay-based examinations are scored to the same international standards, and are a rigorous assessment of knowledge and skill mastery.

Similar to AP courses, AICE courses are equivalent to those offered at US university freshmen level or beyond. Routes to the AICE Diploma are flexible and offer students the opportunity to enhance their studies based on their individual interests, abilities and future plans within an international curriculum framework.

The AICE program was piloted and studied by the Florida Department of Education for four years in three Florida school districts and since 2001 has been approved for use in any Florida school district looking for an inexpensive, flexible advanced academic program for grades 11 and 12.

There are AICE examinations in a broad array of subject areas including the Sciences (e.g., Biology, Chemistry, Physics), History, Geography, Mathematics (multiple levels) and foreign languages. See Appendix 18 for more information regarding University of Cambridge, AICE and CIE examinations.

Advanced Placement Courses and University Cambridge (England) International Examinations and Coursework

WSCA will base its college preparatory program upon highly regarded and research-based AP courses. WSCA’s expectation is that all students will take AP classes by the time they are in the eleventh and twelfth grades. As a result, AP classes will form an integral part of the basic curriculum. Beginning in the seventh grade, classes prepare students for success in upper-level AP curriculums. Students, with the requisite skills, may advance into classes at a time and pace appropriate for them. For example, an advanced tenth grade math student could enroll in calculus; or a motivated student of language could enroll in AP Spanish in the ninth grade. This breadth of vertical alignment will be one of the strengths of WSCA and effectively prepares students to excel in a college atmosphere.

WSCA recognizes the value of global perspectives, and is striving for world class academic performance. Students are required to become proficient in at least one foreign language. (Proficiency may be measured as reaching Stage III of the Language Learning Continuum, as defined in the Foreign Language Framework for California Public Schools and/or meeting the UC a-g requirement for two years of foreign language.) WSCA is enhancing this international focus by the addition of University of Cambridge International coursework and University of Cambridge International Examinations (CIE) coursework. CIE courses and examinations have been offered worldwide for more than 50 years and are equal in rigor to the more familiar (in the US) International Baccalaureate (IB) Program. Operating in more than 150 countries worldwide, CIE is much larger, has a significantly wider range of coursework and examinations and is more widely recognized internationally than IB. Passing CIE examinations will provide WSCA graduates with credentials that will assist them in gaining entrance to international universities such as Oxford University. Since CIE’s introduction in the US in Florida in 1995, CIE coursework and professional development is available in six states. The WSCA Planning Team has met and is coordinating with the CIE office in the United States. Like AP courses, the CIE courses under consideration by WSCA.
are higher level courses that exceed California State Standards. See Appendix 18 for more information about CIE. Further information and access to CIE’s course syllabi, sample examinations, professional development for teachers and significant additional resources are available through the CIE website at www.cie.org.uk.

The curricular foundation provided by AP courses, the addition of CIE’s internationally recognized coursework and examinations, the ability of students to take both AP and CIE courses, and the emphasis on fine arts performance and appreciation, provides a rich, exciting, and comprehensive educational experience for students that supports the development of the whole individual and builds an aesthetic understanding and global perspective that remains with students for a lifetime.

Curriculum By Department

English Department Curricular Philosophy

Each year, students will read, discuss, and write about works of literature, which are thematically linked with the history course (except in 12th grade). Plays will be read aloud and performed as reader’s theatre, and students will learn to give formal speeches as well as learn to participate effectively in discussions. The primary writing emphasis is on developing coherent, articulate expository essays. Instruction in grammar is integrated with writing assignments, which are related to the literature being studied. Students write on a variety of topics, and in a number of forms, including poetry, letters, and journals. Compositions are carefully and promptly evaluated, and students learn how to correct and revise their work. Each year, students build their vocabularies through a variety of programs, including preparation for the PSAT and SAT exams. A Shakespeare play linked to the year’s focus is studied each year. Note-taking, timed-writing and reading comprehension form important components of each course.

History Department Curricular Philosophy

The history curriculum at WSCA is global in its approach and grounded in a chronological study of human activities from ancient times to the present. In seventh and eighth grades, the coursework addresses state standards and the Core Knowledge sequence. In the ninth through eleventh grades, each course comprises a survey of major movements and events, for which a general text serves to provide a structure, combined with in-depth studies of selected problems or areas of interest and the addition of extra readings and documents. In the eleventh grade, U.S history courses and in the two-year world history sequence in grades nine and ten, the history program is linked with literature studied in the English program. Class format includes lectures, class discussion, group study activities, and student presentation of work. At each level, students undertake individual and/or group research projects as well as numerous smaller writing assignments. Geography, art history, anthropology, and other fields are integrated into the study of history in all periods.

Math Department Curricular Philosophy

The mathematics curriculum at WSCA prepares students for AP calculus BC by the twelfth grade, if they enter the seventh grade ready for algebra. It is expected that students will be enrolled in a mathematics course each year through twelfth grade. Many students will learn calculus in eleventh grade, some in tenth. At all levels of instruction, there is attention to: judicious use of the graphing calculator, including elementary programming; familiarity with a library of elementary functions; obtaining solutions analytically, numerically, and graphically; the development of rigorous mathematical exposition and argument; and applications in other courses, especially in science.

The course sequence includes: pre-algebra; algebra 1; algebra 2; geometry, pre-calculus including trigonometry; and AP calculus AB/BC. The content of each course follows the recommendations of
Foreign Languages Department Curricular Philosophy

The study of foreign languages at WSCA offers students exposure to cultures other than their own that facilitates the development of a global perspective, providing a direct pathway into other modes of thought and experience and introducing students to new vocabularies, different forms of expression, and different cultural perspectives on the world in which we live. At a more fundamental level, the study of a second language provides the students the tools to help them understand how languages work, and this knowledge will have an impact both on their understanding of English and other foreign languages they may choose to study. As the language courses are sequentially based upon skill level, students may begin a study of a foreign language as early as the seventh grade, allowing them to develop other essential cognitive skills at an earlier age.

All of the foreign language classes at WSCA share a common goal: the achievement of linguistic proficiency after three years of instruction, accompanied by the acquisition of tools for the further exploration of a culture—its history, texts, visual arts, and cultural practices. In keeping with the state performance standards, the goals for foreign language learning are aligned with the key terms: communication, culture, connections, comparisons and communities. When applied to the study of the living languages (Mandarin and Spanish), the goal of linguistic proficiency encompasses oral and written proficiency, and the students acquire the tools to help them communicate and “live in” a language and more fully experience another living culture. The study of Latin offers a different set of goals to students, introducing them to a root language that will benefit them in their study of many of today’s widely-spoken languages and, at the same time, developing their ability to read Latin literature in the original, itself an introduction to a wealth of literary, historical and cultural material from antiquity. Despite the differences in approach that exist in the studies of modern and ancient languages, the common goal of proficiency is achieved through the acquisition of oral, aural, and written linguistic skills.

Science Department Curricular Philosophy

The science curriculum at WSCA prepares students for AP courses and is integrated with the prerequisite mathematics. Students aspiring to AP science courses are expected to pass elementary algebra in seventh or eighth grade. Because students progress through mathematics at different rates, the relationship to grade level is somewhat variable.

The seventh and eighth grade science courses are thematically organized using the Core Knowledge and State Standards Sequence. The themes are designed to retain interest in science by addressing common yet scientifically rich topics at an introductory qualitative level. These courses introduce concepts that are prerequisite to high school courses, draw upon resources near to the school, and apply arithmetic and mathematics to simple natural phenomena. Experiential study is emphasized, including field projects and one science fair project in both years. The themes will be referred to in subsequent courses, to deepen qualitative and quantitative understanding, and to reinforce experience.

The high school level biology, chemistry, and physics curricula follows the recommendations of UC and CSU for academic preparation of entering students in the natural sciences, and the most current California State Standards.

Fine Arts Department Curricular Philosophy

WSCA recognizes the importance of the fine arts as creative disciplines that embody a wealth of universal ideas, values, emotions and technologies that are integral parts of our civilization. The fine arts program of WSCA is based upon the concept that the arts are an essential component of a complete education and
a requirement for cultural literacy. The fine arts program incorporates the contributions of diverse cultural traditions across many time periods and encompasses visual arts, theater arts, and music. There are links to other subject areas, such as Social Studies.

Visual arts instruction is offered in a structured sequence of course work that provides experience with the materials and methods of art in both two- and three-dimensional media. This instruction emphasizes the development of perceptual awareness; the acquisition of a visual and verbal vocabulary related to art; approaches to creative problem-solving; and, the acquisition and practice of skills leading to proficiency in a wide variety of expressive media. Promoted are investigations into cultural and historical contexts of major art movements; the contributions of diverse cultural traditions; and the concept of aesthetics as it relates to fine art.

The theatre arts program focuses upon both individual and group performance and writing for theater. It offers an introduction to the history of theater through investigation of the works of leading playwrights and planned theater productions.

The music program involves the students in a rich experience of instrumental and vocal performance. Opportunities for both collaboration through ensemble and individual study are promoted. An appreciation for our rich musical heritage and the contributions of composers and musicians is fostered.

Physical Education Curricular Philosophy

The goal of our physical education program strives to create life-long healthy individuals with not only physical skills, but also character skills. By incorporating student motivated fitness goals and physical applications of physics and biomechanics, our students will be able to meet challenges, make decisions, work as a team, analyze skills for effective movement, and hone their traits of commitment, courage, confidence, initiative, and perseverance. As in any physical education learning, our students will go through the cognitive, practice, and automatic phases to train. They will be responsible to chart their own development to understand the interrelationship between optimum health and fitness. They will learn about cardio respiratory endurance, flexibility, body composition, muscle strength, and speed through cultural dance and team sports. By analyzing offensive and defensive strategies, as well as the history and rules of a variety of games and sports, students understand quick and decisive decision making. Applying torque to an object, discovering properties of rotary velocity, and realizing principles of levers are just examples of how properties in physics can be shown in a physical education setting. Based on the California standards for physical education, WSCA will instill a positive physical self-image to the students with an internal motivation for fitness and a healthy lifestyle.

Technology

WSCA will strive to make students proficient at using technology to enhance learning. Technology use will include standard computer productivity software tools (word processing, spreadsheets, databases, and presentation software) and to access the information resources of the internet. Additional uses will include access to the immense store of multimedia resources and original source documents, available to both teachers for classroom use and students for their own use. Specialized instructional programs and on-line courses and resources will also be used, for example WSCA may offer foreign language instruction in Mandarin with the assistance of specialized software and/or online instruction. Advanced technology will be used to enhance and expand the laboratory experience for students in science courses. As WSCA will be applying for facilities provided under Proposition 39, the technology infrastructure will be provided as required by law. WSCA will provide additions hardware and software resources as appropriate.
**Extra and Co-Curricular Opportunities**

WSCA understands the value of Extra and Co-Curricular activities for students. These activities help with the personal growth of students, provide opportunities for students to build community with each other and to make important connections with/contribution to the larger community. By participating in these activities, students are expanding their personal growth through making important connections with others and contributing to the larger community. The development and exploration of a variety of extra-curricular interests serves to cultivate the students' lifelong learning skills as discussed on page 63, such as citizenship, cooperation and conflict resolution. WSCA expects to offer a range of after-school clubs and intramural sports, supervised by teachers and parent volunteers. Driven by student interest, these may include such activities as debate, Mock Trial, Academic Decathlon, chess, culture-based clubs, and student government. WSCA also expects to develop a range of intramural and interscholastic sports opportunities such as volleyball, tennis and soccer. WSCA expects the student body, through WSCA student government, will also create and develop other recreational and social opportunities. It is well documented that a school the size of WSCA can provide a very appropriate range of Extra and Co-Curricular activities. The listing of sports and clubs potentially offered by WSCA is included in WSCA's Sample Course Guide, please see Appendix 39.

**Partnerships with Local Colleges and Concurrent Enrollment**

The educational marketplace contains opportunities for students to learn subjects and skills that are not available in our small school environment. To supplement the core curricular offerings at WSCA, we will actively encourage concurrent enrollment at Sierra College, California State University, Sacramento's Accelerated College Entrance Program (ACE) and other postsecondary institutions. Concurrent enrollment, as defined under Education Code § 48800, will allow WSCA students to enroll, for very little cost (e.g., $5 per unit at California State University Sacramento). Coursework successfully completed may be used to meet the course requirements at WSCA, as well as count as units towards graduation requirements. (For example, high school units will be awarded based on twice the number of units of the college course, or the units that otherwise would have been earned by completing an equivalent course at WSCA. WSCA will have procedures in place to approve student enrollment and verify the coursework meets or exceeds state standards and other requirements of law. See Appendix 10 for information regarding concurrent enrollment at Sierra College and California State University Sacramento.)

**Powerful Pedagogy and Assessment**

**Professional Learning Community – Driving Educational Excellence**

WSCA will operate as a Professional Learning Community (PLC), as part of its continuous work to improve its ability to promote student learning. In education circles, the term learning community has become commonplace. It is being used to mean any number of things, such as extending classroom practice into the community; bringing community personnel into the school in order to enhance the curriculum and learning tasks for students; or engaging students, teachers, and administrators simultaneously in learning. WSCA considers a Professional Learning Community as collaborative inquiry where the teachers, administrators and others in the school continuously seek and share data and learning outcomes and instructional strategies and then act on what they learn. The goal of their actions is to enhance their effectiveness as professionals and community members so that every student benefits. This arrangement has also been termed “Communities of Continuous Inquiry and Improvement” or “Communities of Practice.”
WSCA’s PLC is based on the work of DuFour, Schmoker, Eaker, Fullan and others. PLCs are structured around three core concepts. The first is -Ensuring that Students Learn”, a focus on learning, not teaching. The second is -A Culture of Collaboration”, a systematic process where teachers work together to analyze and improve their classroom practice. The third is -A Focus on Results”, where the effectiveness of the work is based on student achievement, and its improvement. (See Appendix 19: -What is a Professional Learning Community?”)

The focused, college preparatory curriculum of WSCA and the standards embedded in them provide the foundation for the work of the PLC. Small teams of teachers and administrators will meet frequently (e.g., twice a month) to review the progress of each student. Small teams of teachers will also meet frequently for thoughtful and explicit examination of teaching practices, guided by formative student achievement information, in a systematic effort to improve the effectiveness of instruction. This focused attention to student data and improvement is also reflected in Section IX, Measureable Student Outcomes and Uses of Data.

A PLC serves as an organizational umbrella, bringing together all aspects of the educational program; curriculum (content), student engagement and work, brings into focus the effectiveness of instructional methods, and assessment of each student. To maximize the achievement of all students, and to meet the exceptional needs of sub-groups of students (e.g., English Language Learners and students with IEPs and 504s) WSCA will engage in the continuous/ongoing consideration of the critical questions highlighted in red below.

**Western Sierra Collegiate Academy**

Collaborative Inquiry Model for Improving Student Achievement
Instructional Methods

Consistent with the discussion of PLCs above, working in a culture of data-driven assessments, WSCA instructional methods will include a variety of instructional methods and approaches that are research based and are consistent with the core values of WSCA. Teachers will use a variety of instructional methods to most effectively assist students at all levels in mastering the curriculum. These will include teacher lecture, cooperative learning, and individual instruction. It will include effective instructional methods such as immediate feedback, graphic organizers, summarizing and note taking (based on the work of Robert Marzano Classroom Instruction That Works: Research-Based Strategies for Increasing Student Achievement). Teachers’ instruction will also be supported by an electronic assessment resource system that provides teachers with current and specific information about student achievement, for individual students as well as for groups of students. Quality instructional methods such as these have the proven ability to be effective with a wide range of students, including those who are currently performing below grade level, are English language learners or are students with special needs.

Instruction will be primarily site-based, engaging and multi-faceted. Instructional methods will be determined by the data driven needs of individual students. This is important for all students but is especially important for EL and special needs students. Teachers will use a range of instructional methods to differentiate instruction. These methods include but are not limited to problem-based learning (placing students in the active role of solving problems), multiple entry points (proposes student exploration of a topic through a number of avenues such as narrational, foundational and experimental), choice boards (work assignments are on cards and teachers ask students to select from a range of cards), compacting (do pre-assessments and students know the material are able to move on), and complex instruction (uses challenging materials, open ended tasks and small instructional groups.) WSCA is using the work of several educators in this area to guide instructional methods, one of the more prominent being Carol Ann Tomlinson (The Differentiated Classroom: Responding to the Needs of All Learners, Differentiation in Practice: A Resource Guide for Differentiating Curriculum, Grades 9–12.). Some subjects will emphasize certain instructional methods. For example science classes will incorporate significant hands-on activities, with students using measurement equipment (e.g. PASCO probes) and computers. Drama and music will be performance-based. In art, the students will work in a studio environment.

Consistent with the intent of Congress in adopting the IDEIA, special needs students will be mainstreamed to the extent possible (Free Appropriate Public Education (FAPE)), under the oversight of the Special Education staff and consistent with the IEP developed for each student. Resource specialist(s) or other special education staff/therapists will work directly with these students. Some students will require more restrictive settings or may require more assistance to obtain a free and appropriate education and this will be determined through the IEP process. Teachers and team members will meet with parents and the Special Education Director to develop annual IEP or 504 goals. Further Special Education related information is included below.

Teachers will supplement classroom study with field trips, web-based topical seminars and independent study options. Students at the high school level will also have opportunities to take courses at local colleges (e.g., Sierra College) and universities (e.g. ACE program through Sacramento State University). A wide range of after-school clubs and intramural sports, supervised by teachers and parent volunteers, will also provide enriching educational, recreational and social opportunities for students. Students will be required to do 10 hours of community service per year beginning in the seventh grade. Community service activity definitions will be very flexible to meet the needs of all students and their families. WSCA understands the value of Extra and Co Curricular activities for students. These activities help with the personal growth of students, provide opportunities for students to build community with each other and to make important connections with/contribution to the larger community.
Community-Based and Service-Based Learning

WSCA believes in the development of the civic and ethical aspects of each student. WSCA’s community service requirement will engage students in public service, inspiring responsibility and personal growth and motivating students to personally embrace issues of justice and civic responsibility.

WSCA also believes in the benefits of service learning. Consistent with the concepts espoused by the National Service-Learning Partnership, WSCA believes service-learning is a teaching method that engages young people in solving problems within their schools and communities as part of their academic studies or other type of intentional learning activity. WSCA also believes service-learning helps students to master important curriculum content by supporting their making meaningful connections between what they are studying and its many applications. Finally, WSCA believes service-learning also helps young people develop a range of service skills, from acts of kindness and caring, to community stewardship, to civic action. It will also integrate service-learning activities into coursework and electives. WSCA will also explore offering internship opportunities with local business and community groups. WSCA will model its service learning/community service structure on the structure in place at PCS and some of the ongoing activities already undertaken at RA schools (e.g., food drive).

Counseling – Academic and College

WSCA is a college preparatory school. The expectation is that virtually all students will be seeking an academic education consistent with the desire to attend college. Based on the data from PCS, a very high percentage of graduates attend college, with the large percentage of these attending four year public and private universities, including the most selective public and private universities. The curriculum of WSCA is structured to provide the academic depth and rigor needed to gain entry and succeed in college. In addition, the counseling function at WSCA will include substantial assistance to students and their families regarding college admission. WSCA will model its college counseling services on the services currently provided by PCS. This includes having knowledgeable and capable counselors on staff and the relevant resources available, such as a WSCA version of the PCS Four Year College Handbook. See Appendix 20 for the PCS Four Year College Handbook. Students and their families will be referred to CaliforniaCollege.edu as an additional college planning resource. Counselors provide all students and their families with assistance with college planning, including:

- A small appropriate high school setting, and a 6 year program will allow counselors to develop a deeper and more personalized relationship with students and their families
- The personalized attention possible in the small school setting and a six year program is additionally important to better serve ELL and Special Education students
- As part of the—bas camp—process in the summer prior to enrollment in 7th grade, students and parents will meet with a counselor to develop a six year plan college plan. This plan will emphasize college and career readiness. Students and their parents will be given the opportunity to create goals, both academic and personal. These goals will be revisited through biannual parent-student-teacher-counselor conferences.
- Appropriate course selection (6-12) based on student interest, a-g readiness, and assessment data.
- Support faculty with expert knowledge regarding college readiness, a-g, SAT and SAT II
- College admissions test preparation & registration
- the college admissions process
- Financial aid information & application assistance
- Parent education program starting in the 6th grade that helps all families begin planning for college
- College information nights for students and parents beginning in the 6th grade, including campus visits from college admissions & financial aid professionals
The WSCA Counseling Department will be aligned with the American School Counselors Association (ASCA) standards and the guidance program will be standards based.

- Students will have access to college prep courses in grades 6-8 (i.e. Spanish and algebra)
- Counselors will ensure all students take the PSAT in 8th grade, building readiness for SAT.
- WSCA will use PSAT results to inform curriculum decisions. A smaller school allows greater ability to focus on specific strengths/needs highlighted by the results of PSAT and other standardized tests.
- Counselors will be active members of the PLC, providing insight regarding individual students, and support to students and faculty in the achievement of student goals.

Counselors monitor and support students in the CHASE process, including providing access to tutoring and supplemental instruction.

**Counseling – Personal and Social**

In addition to college academic counseling, the WSCA counseling office will assist all students in the areas of personal and social development. In this role counselors may provide preventative and developmental counseling to assist students gain the life skills to deal with academic, personal and social growth. Counselors will monitor and provide personal/social interventions as necessary. Counselors may also provide alcohol and drug prevention programs. The overall objective is to help students become the productive, well-adjusted adults of tomorrow.

**At Risk Students: Plan for Students who are Academically Low Achieving (Student Success Team)**

At WSCA all students will access the core curriculum. WSCA will evaluate the basic literacy and mathematics each student when they enter WSCA, to assess academic strengths and deficiencies (e.g., UC/CSU Mathematics Diagnostic Testing Project math readiness exams, timed writing prompt developed by PCS). A Study Skills and Technology (Academic Literacy) course will be offered in 7th grade as an elective, and all 7th grade students will be encouraged to enroll. Students who enter WSCA academically low achieving will automatically be moved to the second level of intervention strategies (discussed below). Support services will include after school tutoring and teacher assistance during regular office hours. A tutorial program, staffed by qualified parents, other students and local college students, based on PCS’s model, will also be offered.

A three level strategy will be used to identify students requiring assistance, with a data-driven focus (see discussion of PLC) on intervention and response to intervention.

**Intervention Strategies**

**Level 1**
- Common formative assessments and expectations
- Planner checks, quarterly grade checks
- Regular staff meetings to review student progress
- Case management system monitored by the Principal
- Progress reports to parents
- Staff commitment to provide assistance to students
- Grading system that focuses on learning
- Focus on accelerating student progress and meeting student needs
Level 2
- Students not progressing with Level 1 strategies are moved into Level 2 strategies.
- Tutorial program based on PCS’s model.
- After school tutoring
- Teacher assistance
- Counseling/parent meetings
- Case management meetings to closely monitor student progress in intervention

Level 3
- Formal SST held to determine need for formal assessment for Special Education
- Special education classes provide academic support and learning strategies
- Special education/general education collaboration for instruction and assignments

Student Study Team (SST)

Consistent with WSCA PLC process, a teacher or team of teachers will be able to identify a student in need of academic assistance at any time. In addition, a case management system monitored by the Principal will be used to insure periodic reviews for all students during progress reporting times (e.g., every four or six weeks) and end of grading periods.

WSCA is committed to working with students who are achieving below grade level to help them perform at expected levels. WSCA, operating as a Local Educational Agency (LEA) in the El Dorado County Charter School SELPA for special education will utilize the SELPA’s Student Success Team (SST) process to develop a plan to address their individual needs.

An SST uses a systematic problem solving approach to assist students with concerns that are interfering with success. The SST clarifies problems and concerns; develops strategies and organizes resources; provides a system for school accountability; and serves to assist and counsel the parent, teacher and student. An SST is a general education function. Many students can benefit from an SST, including but not limited to, those students achieving below or above grade level and students who have experienced emotional trauma, behavioral issues, or language issues.

Anyone who has a concern for a student can refer that student to an SST for consideration. Anyone who is connected with that student can be included in the SST to provide information to share about the student’s strengths, concerns and strategies that have been used in the past. These people may include, but are not limited to, teachers, parents, counselors, doctors, administration, social workers and law enforcement.

WSCA SST meetings will include 12 steps:

1. Team members introduce themselves and their roles
2. Purpose and process of the meeting are stated
3. Timekeeper is appointed
4. Strengths are identified
5. Concerns are discussed, clarified and listed
6. Pertinent information and modifications are listed
7. Concerns are synthesized with one or two chosen for focus
8. Strategies to deal with are chosen, options are brainstormed
9. Team chooses best strategies to carry into actions
10. Individuals make commitments to actions
11. Person responsible and timelines for actions are recorded
12. Follow-up date is set

After implementation of an SST plan and follow up, if the problem continues, revisions to the plan may be discussed, or if necessary, a referral for special education or Section 504 assessment might be deemed necessary by the SST.
California High School Exit Exam Support

The academic standards in the California High School Exit Exam are low. In Language Arts the exam measures academic knowledge and skills up to the 10th grade level. In mathematics, the exam measures academic knowledge and skills up to the beginning part of Algebra 1. WSCA expects a passage rate similar to that of RUSD students attending a comprehensive high school (as differentiated from the continuation school, Victory High School). The student most likely to face difficulty is an EL and/or Special Education student, who may have difficulty with Language Arts portion of the exam. Consistent with the requirements of AB 347, WSCA is prepared to assist any student who is having difficulty passing the CHASE through our current array of support services (e.g., counseling, after school tutoring), including “post 12th grade students”. WSCA will also provide the accommodations, modifications and variations for students with disabilities and EL students.

Students Achieving Above Grade Level

In order to provide effective programs and curriculum for academically high achieving and gifted students, WSCA will offer a continuum of approaches and options that can meet a wide range of abilities, interests, and learning styles. As discussed in prior in the section “Instructional Methods”, teachers will use a range of approaches to differentiate instruction. These methods are identified in the literature as acceleration, depth, complexity and novelty. These specific applications WSCA will use include but are not limited to problem-based learning (placing students in the active role of solving problems), multiple entry points (proposes student exploration of a topic through a number of avenues such as narrational, foundational and experimental), choice boards (work assignments are on cards and teachers ask students to select from a range of cards), compacting (do pre-assessments and students who know the material are able to move on), and complex instruction (uses challenging materials, open ended tasks and small instructional groups.) WSCA is using the work of several educators in this area to guide instructional methods, one of the more prominent being Carol Ann Tomlinson (The Differentiated Classroom: Responding to the Needs of All Learners, Differentiation in Practice: A Resource Guide for Differentiating Curriculum, Grades 9–12.) Other options may also include acceleration by accessing opportunities beyond those directly offered by WSCA (e.g., a gifted seventh grade math student might enroll in geometry or an eleventh grader may enroll in Differential Equations at Sierra College or through CSU Sacramento’s ACE Program). WSCA will also have academically enriching clubs and activities, and provide students the opportunity for independent work and focus projects with a faculty sponsor.

English Language Learners – Equal Opportunity for Success

WSCA is committed to high levels of academic success for all students, including English Language Learners (“ELL”). WSCA will meet all applicable legal requirements for ELL including, but not limited to annual notification to parents, student identification, placement, program options, ELL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirements. WSCA will implement policies to assure proper placement, evaluation, and communication regarding ELL and the rights of students and parents.

The student population served by Rocklin Unified School District has very few ELL students. WSCA expects to serve an ELL population similar to that served by the Rocklin Unified School District. In 2006-07 RUSD has 2.19% English Learners (EL) in grades 7-12. To illustrate, Rocklin High School and Whitney High School had a combined number of 19 English Learners whose primary language was Spanish. The second more prevalent language with English Learners was Russian, with 5 students at Whitney High School and none at Rocklin High School. The same basic pattern exists in grades 7th and 8th. 2.84% (102 students) of students in grade 7 and 8 are EL. The most prevalent language is Spanish with 19 students (17 at Springview Middle School) and the second most prevalent language being Russian with 5 students.
RUSD primarily provides English Language Development (ELD) to its EL students at these grade levels through Specially Designed Academic Instruction in English (SDAIE), with a very limited use of SDAIE with Primary Language Support.

As indicated elsewhere in the charter petition, small schools enhance student learning. The advantages of a small school setting extend to EL learners. Based on RUSD’s ELL student population WSCA expects to serve a similar number of students with similar characteristics. WSCA will be fully capable of serving the 1 to 2 EL students during the school’s initial years of operation and the 9 to 12 EL students anticipated at full enrollment. WSCA is also prepared and capable to serve additional EL students if they enroll in WSCA in percentages higher than they enroll in RUSD. WSCA will provide the range of services as required by law. WSCA intends to use the same methods of serving these students as does RUSD, primarily SDAIE and SDAIE with Primary Language Support.

To ensure WSCA has qualified staff to serve EL students, WSCA will seek out in the hiring process staff with the proper training and success with EL students. The experience WSCA will be looking for will include a CLAD or BCLAD certificate, SDAIE training or other appropriate specialized training. WSCA will also provide training opportunities for staff, such as training through the Placer County Office of Education, the Sacramento County Office of Education and universities such as Sacramento State University. The anticipated number of EL students makes it very difficult to determine definitively the best placement of students. WSCA will specifically track the placement of EL students each semester, to ensure they are placed in classes with the teachers with appropriate training. Special efforts will be made to cluster students with the same primary language together in the same class session.

**Home Language Survey**

WSCA will administer the home language survey upon a student’s initial enrollment.

**California English Language Development Test (“CELDT”) Testing**

All students who indicate that their home language is other than English will be CELDT tested within thirty days of initial enrollment, if entering a California public school for the first time, or never having taken a CELDT test for another reason, and at least annually thereafter between July 1 and October 31st until redesignated as fluent English proficient.

**Reclassification Procedures**

Reclassification procedures utilize multiple criteria in determining whether to classify a pupil as proficient in English including, but not limited to, all of the following:

- Assessment of language proficiency using an objective assessment instrument including, but not limited to, the CELDT.

- Participation of the pupil’s classroom teachers and any other certificated staff with direct responsibility for teaching or placement decisions of the pupil to evaluate the pupil’s curriculum mastery.

- Parental opinion and consultation, achieved through notice to parents or guardians of the language reclassification and placement including a description of the reclassification process and the parents’ opportunity to participate, and encouragement of the participation of parents or guardians in the school district’s reclassification procedure including seeking their opinion and consultation during the reclassification process.

- Comparison of the pupil’s performance in basic skills against an empirically established range of performance and basic skills based upon the performance of English proficient pupils of the same age that demonstrate to others that the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.
The Student Oral Language Observation Matrix will be used by teachers to measure progress regarding comprehension, fluency, vocabulary, pronunciation, and grammar usage. WSCA will notify all parents of its responsibility for CELDT testing and of CELDT results within thirty days of receiving results from publisher. The CELDT will be used to fulfill the requirements under the No Child Left Behind Act for annual English proficiency testing.

Strategies for ELL Instruction and Intervention

Teachers will be trained to use Specially Designed Academic Instruction in English (―SDAIE‖) techniques to meet the needs of ELL students.

The instructional design model to be used by WSCA places a heavy emphasis on differentiating instruction to meet the needs of ELLs based on their academic and language readiness. Through the well-defined professional development plan that accompanies this instructional design model, teachers will be trained on a variety of instructional strategies to be used specifically with ELLs. These strategies include, but are not limited to the following techniques:

**Total Physical Response (TPR).** Developed by James J. Asher in the 1960s, TPR is a language-learning tool based on the relationship between language and its physical representation or execution. TPR emphasizes the use of physical activity to increase meaningful learning opportunities and language retention. A TPR lesson involves a detailed series of consecutive actions accompanied by a series of commands or instructions given by the teacher. Students respond by listening and performing the appropriate actions (Asher, 2000a). Asher emphasizes that TPR can be the major focus of a language program or an extremely effective supplement, but that in order for it to be truly effective, training should include —a special course along with hands-on experience monitored by a senior instructor who is also skilled in the intricate applications of TPR‖ (par. 11). (For a detailed review of the research validating this approach, as well as sample lesson plans and examples of how to use it in the classroom, see Asher, 2000.)

**Cooperative Learning.** Robert E. Slavin (1995) has shown cooperative learning can be effective for students at all academic levels and learning styles. Other research indicates that cooperative learning can be an —effective vehicle for learning content and learning in a second language‖ (Calderon, 2001; Cohen, Lotan, Scarloss, & Arellano, 1999; McGroarty, 1989, as cited in Calderon, 2001, p. 280). Cooperative learning involves student participation in small-group learning activities that promote positive interactions. As Cochran (1989) notes, —Cooperative learning makes sense for teachers who have Limited English Proficient pupils in their classes because all students are given frequent opportunities to speak and because a spirit of cooperation and friendship is fostered among classmates.‖ Through a shared learning activity, students benefit from observing learning strategies used by their peers. ELL students can benefit from face-to-face verbal interactions, which promote communication that is natural and meaningful (Johnson, Johnson & Holubec, 1994; Kagan, 1994). Calderon suggests that —cooperative learning is effective when students have an interesting well-structured task such as a set of discussion questions around a story they just read, producing a cognitive map of the story, or inventing a puppet show to highlight character traits‖ (2001, p. 280).

**Language Experience Approach (also known as Dictated Stories).** This approach uses students' words to create a text that becomes material for a reading lesson (Carraquillo & Rodriguez, 2002). Students describe orally a personal experience to a teacher or peer. The teacher or another student writes down the story, using the student’s words verbatim. The teacher/student then reads the story back as it was written, while the student follows along. Then the student reads the story aloud or silently. Other follow-up activities can be done with this approach. In this way, students learn how their language is encoded as they watch it written down, building sight word knowledge and fluency as they use their own familiar language. This approach allows students to bring their personal experiences into the classroom—especially important for culturally diverse students (Peterson, Caverly, Nicholson, O’Neal, & Cusenbary, 2000).
Dialogue Journals (Also known as Interactive Journals). This approach is a way for teachers to engage students in writing. Students write in a journal, and the teacher writes back regularly, responding to questions, asking questions, making comments, or introducing new topics. Here the teacher does not evaluate what is written, but instead models correct language and provides a non-threatening opportunity for ELL to communicate in writing with someone proficient in English, and to receive some feedback (Peyton, 2000; Reid, 1997). Reid’s literature review and her action research project show dialogue journaling with a teacher to be beneficial in improving spelling and fluency.

Academic Language Scaffolding. The term ‘scaffolding’ is used to describe the step-by-step process of building students’ ability to complete tasks on their own (Gibbons, 2002). Academic language scaffolding draws on Cummins’s research into Cognitive Academic Language Proficiency (Chamot & O’Malley, 1994; Cummins, 1981). Scaffolding actually consists of several linked strategies, including modeling academic language; contextualizing academic language using visuals, gestures, and demonstrations; and using hands-on learning activities that involve academic language. These strategies are a central part of sheltered instruction methods, but can be used in any classroom context. (See Gibbons [2002] for specific scaffolding strategies.)

Native Language Support. Whenever possible, ELL should be provided with academic support in their native language (Thomas & Collier, 2002). Even in English-only classrooms, and even when an instructor is not fluent in a student’s language, this can still be done in a number of ways. According to Lucas and Katz (1994), a student’s native language serves several important functions: it gives students access to academic content, to classroom activities, and to their own knowledge and experience.” (paragraph 5). In addition, they found that it also “gave teachers a way to show their respect and value for students’ languages and cultures; acted as a medium for social interaction and establishment of rapport; fostered family involvement, and fostered students’ development of, knowledge of, and pride in their native languages and cultures.” (paragraph 24).

The information provided regarding English Language Learners meets and exceeds the requirements of Education Code §47605 for being reasonably comprehensive. WSCA is fully cognizant that there are federal and state laws and regulations that apply to serving English Language Learners. WSCA is also aware that there are specific teacher qualifications (e.g., CLAD and BCLAD), curriculum (e.g., Reading Language Arts/English Language Development programs adopted by the State Board of Education), standards (e.g., English-Language Development Standards for California Public Schools) and assessment. WSCA is aware of the requirements for parental participation. Included in Appendix 34 are some of the EL resources that are available to WSCA including The Map of Standards for English Learners for English Learners, WestEd. WSCA will use this document (and other resources as appropriate) to guide the integration of instruction and assessment of English Language Development with the English Language Arts Standards in California.

**Overview of Services for Students under the “IDEIA”**

**Overview**

WSCA is committed to high levels of academic success for all students, including students with disabilities. WSCA shall comply with all applicable State and Federal Laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act (“Section 504”), the Americans with Disabilities Act (“ADA”) and the Individuals with Disabilities in Education Improvement Act (“IDEIA”).

WSCA shall be categorized as an LEA within the El Dorado County Charter Schools Special Education Local Plan Area (the —BLPA”) in accordance with Education Code § 47641(b).
WSCA shall comply with all state and federal laws related to the provision of special education instruction and related services. WSCA will follow the SELPA policies and procedures, and will utilize SELPA forms in seeking out and identifying and serving students who may qualify for special education programs and services and for responding to record requests and maintaining the confidentiality of pupil records. WSCA will regularly meet with the SELPA representative(s) to review special education policies, procedures, protocols, and forms and the SELPA protocol, to ensure that WSCA and the SELPA have an ongoing mutual understanding of SELPA protocol and to facilitate ongoing compliance.

WSCA shall be solely responsible for its compliance with the IDEIA, Section 504 and the ADA. The facilities to be utilized by WSCA shall be accessible for all students with disabilities.

WSCA anticipates serving a special education population similar to that served by RUSD. 9.64% of RUSD’s (K-12) students have been identified as qualified for Special Education services (source: DataQuest). At the 8th grade level, 8.1% of RUSD students are identified as Special Education. At the 11th grade, 3.47% (27 students) of the RUSD students are identified as Special Education. At Rocklin High School, the largest percentage of these students is identified as “Specific Learning Disability,” at 8.71% (83 students).

There is seven years of experience in providing special education services, and during that time there have not been any serious complaints. RA students are/have been identified primarily with Specific Learning Disability and Speech or Language Impairment. A copy of the current MOU (Memorandum of Understanding) between RUSD and Rocklin Academy at Turnstone is attached as appendix 41. This MOU contains additional information about how Special Education services are provided currently to students attending Rocklin Academy at Turnstone.

**Identification and Referral**

The Charter School shall have the responsibility to identify, refer, and work cooperatively in locating Charter School students who have or may have exceptional needs that qualify them to receive special education services. The Charter School will implement SELPA policies and procedures to ensure timely identification and referral of students who have, or may have, such exceptional needs. A pupil shall be referred for special education only after the resources of the regular education program have been considered, and where appropriate, utilized.

**Assessments**

The term “assessments” shall have the same meaning as the term “evaluation” in the IDEIA, as provided in Section 1414, Title 20 of the United States Code. WSCA will determine what assessments, if any, are necessary and arrange for such assessments for referred or eligible students in accordance with the SELPA’s general practice and procedure and applicable law. The Charter School shall obtain parent/guardian consent to assess students.

**Modification and Accommodations: Standardized Tests**

WSCA will ensure that any modifications and accommodations required for standardized tests under IDEIA and 504 are implemented.

**Section 504 of the Rehabilitation Act**

WSCA recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of WSCA. Any student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by WSCA.

WSCA will be responsible for ensuring compliance with Section 504.

WSCA shall adopt the comprehensive policy and procedure for Identification, Evaluation and Education of students under Section 504 adopted by the SELPA in order to ensure that the policy and procedures adhere to SELPA guidelines. A WSCA 504 coordinator will be appointed and will have responsibility for overseeing the 504 process at WSCA.
A student may be referred by anyone, including a parent/guardian, teacher, other school employees or community agency, for consideration as to whether the student qualifies as a student with a disability under Section 504.

Consistent with the guidelines of the SELPA, a 504 team will be assembled by the Principal and shall include the parent/guardian, the student (where appropriate) and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and accommodations. The 504 team will review the student’s existing records; including academic, social and behavioral records, and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEIA but found ineligible for special education instruction or related services under the IDEIA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team who will evaluate the nature of the student’s disability and the impact upon the student’s education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team may also consider the following information in its evaluation:

- Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.
- Tests and other evaluation materials include those tailored to assess specific areas of educational need, and not merely those which are designed to provide a single general intelligent quotient.
- Tests are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student’s aptitude or achievement level, or whatever factor the test purports to measure, rather than reflecting the student’s impaired sensory, manual or speaking skills.

The final determination of whether the student will or will not be identified as a person with a disability is made by the 504 team in writing and notice is given in writing to the parent or guardian of the student in
their primary language along with the procedural safeguards available to them. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEIA, a referral for assessment under the IDEIA will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives the Free and Appropriate Public Education (‘FAPE”), pursuant to Section 104.33 of Title 34 of the Code of Federal Regulations. In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by WSCA’s professional staff. The 504 Plan shall describe the Section 504 disability and any program accommodations, modifications or services that may be necessary.

All 504 team participants, parents, guardians, teachers and any other participants in the student’s education, including substitutes and tutors, must have a copy of each student’s 504 Plan. The site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student’s file. The 504 coordinator will ensure that each student’s 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, needed modifications to the plan, and continued eligibility.

**Services for Students Under the “IDEIA”**

WSCA intends to provide special education instruction and related services in accordance with the IDEIA, Education Code requirements, and applicable policies and practices of the SELPA. WSCA shall become an independent LEA and join the El Dorado County Charter Schools SELPA pursuant to Education Code § 47641(a).

WSCA will follow SELPA policies and procedures, and shall utilize SELPA forms in seeking out and identifying and serving students who may qualify for special education programs and services and for responding to record requests and maintaining the confidentiality of pupil records. WSCA will comply with SELPA protocol as to the delineation of duties between the SELPA and the school in providing special education instruction and related services to identified pupils. WSCA will regularly review special education policies, procedures, protocols, and forms of the SELPA to ensure that WSCA has an ongoing mutual understanding of SELPA protocol and to facilitate ongoing compliance.

**Western Association of Schools and Colleges Accreditation**

WSCA will seek accreditation through the Western Association of Schools and Colleges applying for candidacy status in the first or second year of operation. WSCA’s high school education program is consistent with the tenets of the Western Association of Schools and Colleges and their approach is consistent with the organization of the school, including vision, purpose, governance, leadership and resources. WSCA’s educational program includes standards-based curriculum, instruction and assessment and accountability. WSCA also includes support for student personal and academic growth. WSCA’s accreditation by the Western Association of Schools and Colleges will ensure the eligibility of WSCA’s graduates for enrollment in the University of California.
SECTION IV – MEASURABLE STUDENT OUTCOMES AND USES OF DATA

“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.” – California Education Code § 47605(b)(5)(B)

WSCA will meet all statewide standards and conduct all required state mandated student assessments as required by the charter school legislation, Education Code § 47605(c)(1). (This includes STAR, API/AYP, CAHS, CELDT and any other requirement of NCLB.) WSCA will meet the requirements for renewal if it meets the requirements of Section 47607(b) of the Education Code.

WSCA will fully participate in all the programs, as appropriate, that are part of the STAR Program. The purpose of the STAR Program is to measure how well students are learning the knowledge and skills identified in the California content standards. The content standards describe what students at each grade level should know and be able to do in English-language arts, mathematics, history-social science, and science.

WSCA students in grades seven through eleven participate in the STAR Program each year. Students take the California Standards Tests (CSTs). Students in grade seven also take the California Achievement Tests, Sixth Edition Survey (CAT/6 Survey) along with the CSTs. Students with significant cognitive disabilities, who are unable to take the CSTs even with accommodations or modifications, will take the California Alternate Performance Assessment (CAPA). In addition to taking the STAR Program tests that are given in English, eligible Spanish-speaking English learners at WSCA will take a designated primary language test (DPLT) that is administered in Spanish. State law (Education Code Section 60640) requires all Spanish-speaking English learners to take the DPLT in addition to the tests in the STAR Program that are administered in English, WSCA students will, if required, take the Standards-based Tests in Spanish (STS) in grade seven and the Aprenda, La prueba de logros español, Tercera edición (Aprenda 3) in grades eight through eleven.

WSCA outcomes are aligned with the mission, curriculum, and assessment of the school. The WSCA program is designed to help all students achieve a high level of academic success and be prepared for entry in University of California and other selective public and private universities and colleges. Students will demonstrate core academic and lifelong learning skills, which have been developed to align with the California State Curriculum Standards. The assessment methods used are those required by state or federal law, those required by external agencies (e.g., College Board) and those created/adopted by WSCA. As discussed in Section III, WSCA will also use a range of assessments, including those already cited here, as well as a range of teacher created/textbook provided formative and summative assessments. As described in Professional Learning Community Driving Educational Excellence: Integrating Content, Instructions and Assessment, these assessments are part of coordinating approach that are embedded in the curriculum, are ongoing, and guide instruction. The assessments developed/ adopted by WSCA faculty and administration will be subject to review by the WSCA Board of Directors.

WSCA will also measure the progress of specialized populations. Consistent with Federal and state law, and Placer County SELPA and RUSD procedures, WSCA will review/participate in the review of the progress of Special Education students according to their Individualized Educational Plan (IEP) or their 504 plan. Also consistent with Federal law, WSCA will monitor the progress of all ELL students. WSCA will also ensure that any modifications and accommodations required for standardized tests under IDEIA and 504 are implemented.
Some desired pupil outcomes are objectively measurable. For WSCA these include acquiring the knowledge specified in the new state standards for public education as currently measured by the California Standards Test (CST), passing the California High School Exit Exam (CHSEE), taking and passing AP/CIE exams in appropriate subjects, taking and passing the classes necessary to be eligible for admission to the UC (a-g courses), and completing WSCA’s community service/service learning objectives. Our primary long term measurable goal in all four categories is that WSCA will compare favorably with top public and private schools in the US.

Progress will also be measured by classroom teachers in the traditional manner, including quizzes, essays, projects, performances, portfolios, exhibitions, tests, and exams. Progress will be reported on a regular basis to parents and students including online access to student grades through PowerSchool™ and report cards each semester.

There are additional academic and non-academic pupil outcomes and qualities, however, that while not objectively measurable are still considered vitally important. Specifically, students will:

- Demonstrate an understanding of their place in the world through cultural and historical knowledge.
- Complete and reflect on community service and in-class activities.
- Demonstrate an understanding of their place in nature through scientific and mathematical knowledge.
- Complete science fair projects and real life investigations within classes.
- Apply mathematics as a language which helps us understand natural phenomena and of the role of mathematics in human endeavors (evidenced via application in other disciplines and identified proportion of problem solving exercises in class).
- Communicate effectively, both orally and in writing, in English and at least one foreign language, as evidenced by writing assessments, external assessments, and performance and competitions.
- Demonstrate understanding that appropriate behavior is required in a diverse community of scholars (evidenced via adoption of a policy on academic honesty and honor code).
- Develop a sense of responsibility for their community (evidenced via parent and student service requirements, by student discipline and attendance records, and by evidence of participation in activities and student affairs).
- Demonstrate the use of research skills to study topics in depth (evidenced via science fair and other external competitions, and through classroom assignments).
- Show technological literacy to access, organize, research, and present information and knowledge (evidenced via project submission requirements and Modern Language Association production standards used in class assignments).
- Establish and defend a thesis or argument (evidenced via internal and external writing rubrics).
Overview of Subject Matter Competencies

WSCA expects its graduates to demonstrate a mastery of specific subject competencies. The following is a list of initial subject matter competencies that will continue to be revised and improved. The competencies are based on state standards, as well as on in-depth discussions on what students should know and be able to do.

### Subject Matter Competencies and Measures

<table>
<thead>
<tr>
<th>Subject</th>
<th>Student Outcome</th>
<th>Assessment</th>
<th>Performance Standard</th>
</tr>
</thead>
</table>
| English | *Understand and appreciate literature and the arts as expressions of and ways to interpret the human experience.*  
*Obtain meaning from a variety of complex texts.*  
*Be well read as demonstrated by reading a variety of literary works representing different genres.*  
*Make informed interpretations of the purpose and meaning of literary works.*  
*Convey interpretations of personal experience gleaned from literature.*  
* Explain how literature from various cultural/ethnic groups expresses both distinctive and similar values, experiences, struggles and contributions.*  
*Evaluate how the form and content of a literary work contributes to its message and impact.*  
*Tests*  
*Written assignments*  
*Class participation*  
*Class presentations*  
*Teacher observation*  
*Student Projects* | *Students must obtain a grade of “C” or higher to ensure credit. If it is a required course for graduation, the course must be repeated with a grade of “C” or higher. Students with IEP's will be assessed consistent with the requirements of their IEP.* |
| History | *Understand and apply civic, historical and geographic knowledge in order to become a citizen in a diverse world.*  
*Apply information, concepts and perspectives from the history of our nation and the history and development of other nations.*  
*Deliberate on public issues which arise in a responsive democracy.*  
*Use historical research to ask and answer questions about the past.*  
*Recognize that regions can be defined in cultural, physical or political terms.*  
*Accurately interpret and summarize information from maps, charts and graphs.*  
*Understand the building blocks of representative government.*  
*Understand the evolution of early civilizations and the development of new ideas, institutions, and systems of thought.*  
*Recognize that events in the past inform the present.*  
*Understand the rich and varied achievements of diverse peoples.*  
*Tests*  
*Written assignments*  
*Class participation*  
*Class presentations*  
*Teacher observation*  
*Student Projects* | *Students must obtain a grade of “C” or higher to ensure credit. If it is a required course for graduation, the course must be repeated with a grade of “C” or higher. Students with IEP's will be assessed consistent with the requirements of their IEP.* |
<table>
<thead>
<tr>
<th>Subject</th>
<th>Student Outcome</th>
<th>Assessment</th>
<th>Performance Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Math</td>
<td>*Construct mathematical models. *Use a variety of problem solving strategies. *Use advanced computing procedures. *Understand and apply advanced properties of numbers. *Understand and apply advanced methods of measurement. *Understand and apply advanced concepts of geometry. *Understand and apply advanced concepts of functions and algebra. *Understand and apply advanced concepts of probability and statistics. *Understand and apply advanced concepts of data analysis.</td>
<td>*Tests *Written assignments *Class participation *Class presentations *Teacher observation *Student Projects.</td>
<td>Students must obtain a grade of “C” or higher to ensure credit. If it is a required course for graduation, the course must be repeated with a grade of “C” or higher. Students with IEP’s will be assessed consistent with the requirements of their IEP.</td>
</tr>
<tr>
<td>Science</td>
<td>*Analyze real world phenomena using scientific concepts, principles, and processes (e.g. cause and effect, energy and systems). *Use the scientific method to ask and answer questions about the world. *Understand the essential ideas about the composition and structure of the universe and the motions of objects in it. *Know basic earth, biological, physical, and chemical concepts. *Understand basic concepts of matter and energy, motion and forces.</td>
<td>*Tests *Written assignments *Class participation *Class presentations *Teacher observation *Student Projects.</td>
<td>Students must obtain a grade of “C” or higher to ensure credit. If it is a required course for graduation, the course must be repeated with a grade of “C” or higher. Students with IEP’s will be assessed consistent with the requirements of their IEP.</td>
</tr>
<tr>
<td>Art</td>
<td>*Participate in artistic activities. *Make informed interpretations of the purpose and meaning of artistic works. *Convey interpretations of personal experiences in expressive forms. *Explain how art from various cultural/ethnic groups expresses both distinctive and similar values, experiences, struggles, and contributions. *Explain how the form and content of an artistic work contributes to its message and impact. *Explain the role of the artist in providing service to the community and world.</td>
<td>*Tests *Written assignments *Class participation *Class presentations *Teacher observation *Student Projects.</td>
<td>Students must obtain a grade of “C” or higher to ensure credit. If it is a required course for graduation, the course must be repeated with a grade of “C” or higher. Students with IEP’s will be assessed consistent with the requirements of their IEP.</td>
</tr>
<tr>
<td>Subject</td>
<td>Student Outcome</td>
<td>Assessment</td>
<td>Performance Standard</td>
</tr>
<tr>
<td>------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Foreign Language | *Obtain sufficient verbal fluency and written proficiency to communicate effectively in a foreign language.  
*Understand and appreciate the culture underlying a foreign language. | *Tests  
*Written assignments  
*Class participation  
*Class presentations  
*Teacher observation  
*Student Projects | Students must obtain a grade of “C” or higher to ensure credit. If it is a required course for graduation, the course must be repeated with a grade of “C” or higher. Students with IEPs will be assessed consistent with the requirements of their IEP. |
| Technology       | *Use technology to increase learning.  
*Understand and use current word processing, spreadsheet, database, and presentation software.  
*Understand the use of the internet.  
*Understand how technology can be of service to the community. | *Inclusion of the use of technology in coursework. This includes use of the internet for research, use of word processing, spreadsheets, database, and presentation software in completing assignments and making presentations across the subject areas. | The use of technology is embedded in the subject areas. |
Lifelong Learning Skills

WSCA also believes students need to develop skills that will enable them to pursue their own path of learning throughout their adult lives in becoming self-motivated, competent and lifelong learners through a mastery of the following skills:

**Character Development:** To understand and accept the centrality of integrity in all aspects of life and learning to appreciate the nature and value of moral courage as a necessary instrument of an ethical life.

**Communication:** The ability to listen, speak, read and write as appropriate to the intended audience in school, at home or in the community.

**Cooperation:** The ability to work productively with school peers, family members, and community members in order to complete assigned projects.

**Critical Thinking:** The ability to form a reasonable opinion on matters requiring the active assessment and comparison of data, such as those contained in newspapers, election material, and other material available and pertinent to socially aware citizens.

**Caring and Respect:** The ability to accept and demonstrate kindness and appreciation for cultural, linguistic, and socio-economic differences among peers and community members.

**Citizenship:** The ability to plan and implement a project in service to the School and the larger community.

**Conflict Resolution:** The ability to resolve differences of opinion in a civil and fair manner.

**Responsibility:** The ability to maintain the highest personal standards in studies, character development, and citizenship.

**Study Skills:** The ability to utilize note-taking strategies, questioning strategies, library research skills, time management, and test taking strategies.

**Technological Literacy:** The ability to make effective and responsible use of technology to enhance learning and academic performance.

The following chart takes into account both the academic and lifelong learning goals WSCA has for all students and provides a summary of key student outcome goals.
## Key Summative Student Outcome Goals

<table>
<thead>
<tr>
<th>Summative Outcome Goals</th>
<th>Assessments Used</th>
<th>Performance Standard</th>
</tr>
</thead>
</table>
| Acquiring knowledge and skills specified in the California State Standards | *California STAR Tests  
*CST English-Language Arts  
*CST Mathematics  
*CST General Mathematics (6 & 7 Standards  
*CST Algebra I  
*CST Geometry  
*CST History (Social Science Grade 8 Cumulative)  
*CST Science (5, 8, 10 Life Science)  
*CST Algebra II  
*CST Summative High School Mathematics  
*CST World History  
*CST U.S. History  
*CST Science -5, 8, 10 Life Science  
*CST Biology/Life Sciences  
*CST Chemistry  
*CST Earth Science  
*CST Physics  
*CAT/6 Reading  
*CAT/6 Language  
*CAT/6 Mathematics  
*CAT/6 Spelling | 90% of students who attend WSCA for three or more years will score proficient or advanced on each CST test or at or above 50th percentile rank on the norm referenced section of the STAR test. |
<p>| Acquiring knowledge and skills necessary to pass the high school exit exam | CAHSEE | 95% of High school seniors will pass the high school exit exam. |
| Eligible for admission to the University of California and other selective universities and colleges | Review of transcripts | 90% of students who graduate from WSCA will complete requirements for admission to the University of California, including coursework, GPA, and SAT/ACT scores. |
| English Learners are acquiring English language proficiency | CELDT testing, Student Oral Language Observation Matrix, Assessment of English Language Development and English Language Arts Standards in California | Students will improve their English proficiency at least one level each year as measured by the CELDT until reclassified as fluent. |
| Students with IEPs are meeting their academic goals | Annual review of IEP, CDE data | The percentage of students who meet the academic goals included in their IEPs will meet or exceed the percentage of students who meet the academic goals included in their IEPs who attend comprehensive public high schools in Placer County. |</p>
<table>
<thead>
<tr>
<th>Summative Outcome Goals</th>
<th>Assessments Used</th>
<th>Performance Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students meet Physical Education (PE) Standards</td>
<td>CDE designated Physical Fitness Test (currently FITNESSGRAM)</td>
<td>The percentage of Ninth grade students who meet or exceed the state standards will meet or exceed the percentage of students who attend comprehensive public high schools in Placer County.</td>
</tr>
<tr>
<td>Participation in a community of scholars</td>
<td>Signature on honor code pledge</td>
<td>All students will accept the academic honor code.</td>
</tr>
<tr>
<td>Lifelong learning skills</td>
<td>Student Survey</td>
<td>90% of students achieve success in a range of activities including their academic coursework, involvement in extra-curricular and co-curricular activities, adherence to the academic honor code, and participation in community service activities.</td>
</tr>
<tr>
<td>Participation in community service/service learning</td>
<td>Annual review of community service completed.</td>
<td>90% of students enrolled in WSCA for one year or more complete community service/service learning requirements annually.</td>
</tr>
<tr>
<td>Attendance rate</td>
<td>Comparison of data provided by CDE</td>
<td>Student attendance rates meet or exceed the average of comprehensive high schools in Placer County.</td>
</tr>
<tr>
<td>Dropout Rate</td>
<td>Comparison of data provided by CDE</td>
<td>Student dropout rates are equal to or lower than the average of comprehensive high schools in Placer County.</td>
</tr>
<tr>
<td>Attendance of graduates at four year colleges and universities</td>
<td>Comparison of data provided by CDE and/or other sources</td>
<td>Meet or exceed the average of comprehensive high schools in Placer County.</td>
</tr>
</tbody>
</table>
Key Summative School Outcome Goals

WSCA as a school also will pursue overall goals. The goals will inform the faculty, administration and the Board regarding the success of WSCA. The chart below summarizes these school level goals.

<table>
<thead>
<tr>
<th>Summative Student Outcomes</th>
<th>Assessments Used</th>
<th>Performance Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>High student achievement on standardized tests</td>
<td>Comparison of data provided by CDE</td>
<td>Equal or exceed average standardized test scores at each grade level (CST, CAT/6, CAHSEE, CELDT, SABE2) compared to other Placer County schools.</td>
</tr>
<tr>
<td>Meet or exceed Academic Performance Index (API) growth targets Schoolwide and in reportable subgroups</td>
<td>Comparison of data provided by CDE</td>
<td>Reach and maintain an overall score of 800 or higher on the API. Meet annual growth targets for all reportable subgroups scores as needed.</td>
</tr>
<tr>
<td>High API State and Similar School Rank</td>
<td>Comparison of data provided by CDE</td>
<td>Reach and maintain a State Rank and a Similar School Rank of 6 or higher.</td>
</tr>
<tr>
<td>High Four Year College Going Rate</td>
<td>Comparison of data provided by CDE and/or other sources</td>
<td>Equal or higher four year college going rates compared to the average of Placer County comprehensive high schools.</td>
</tr>
<tr>
<td>High UC/CSU and private University and college eligibility</td>
<td>Comparison of data provided by CDE and/or other sources</td>
<td>Equal or higher UC a-g course completion rates compared to the average of other Placer County comprehensive high schools. Equal or higher SAT/ACT scores than the average scores at other Placer County comprehensive high schools.</td>
</tr>
<tr>
<td>High AP pass rates.</td>
<td>Review of AP pass rates</td>
<td>Equal or higher AP pass rates compared to the average of Placer County comprehensive high schools.</td>
</tr>
<tr>
<td>High student satisfaction rates with the quality of education</td>
<td>Student Surveys</td>
<td>Student satisfaction with the quality of education as measured by student and alumni surveys, compared to the average satisfaction rates available for other Placer County comprehensive high schools, or other sources.</td>
</tr>
<tr>
<td>High family satisfaction rates with the quality of education</td>
<td>Parent Surveys</td>
<td>Family satisfaction with the quality of education as measured by parent surveys, compared to satisfaction rates for other Placer County schools, or other sources.</td>
</tr>
</tbody>
</table>
Methods to Assess Student Progress Toward Meeting Outcomes

Summative Assessments

The academic progress of students will be tracked through a range of formal and informal assessments. The formal assessments will include STAR tests (CST/CAT6/SABE/2), the CAHSEE, and students’ AP, SAT, and CIE test results. Students will receive progress reports and quarterly and semester grades through report cards.

Formative Assessments

As discussed in Professional Learning Community – Driving Educational Excellence, there will be a focused and ongoing data-driven review of each student’s performance. Teachers will use a variety of assessment techniques which will be ongoing and embedded in the curriculum to monitor student learning informally, including oral assessment, quizzes, tests, essays, journals, multimedia presentations, group projects, debates, portfolios, lab books, and performances. Rubrics, starting with those already developed by PCS, will also be used to inform students of the class objectives and expectations. The grading policy that will be initially used is that used by PCS. See Appendix 14 for details in the Draft WSCA Student Handbook. School wide, students and parents will be notified of progress up to eight times a year and will have instantaneous internet access to grades and assignments through PowerSchool™.

The following chart provides a summary of the key methods WSCA uses to measure the student attainment of key outcomes.

Summary of Key Measurement Methods

<table>
<thead>
<tr>
<th>Measurement Outcome</th>
<th>Method of Measurement</th>
<th>When</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Content Standards</td>
<td>STAR tests, including California Standards Tests</td>
<td>Annually</td>
</tr>
<tr>
<td>Content Mastery</td>
<td>Unit tests, quizzes, oral presentations, performances, projects, lab reports, and research papers. Also see AP and CIE below</td>
<td>Ongoing throughout the year</td>
</tr>
<tr>
<td>UC/CSU eligibility</td>
<td>Course enrollments, course grades, SAT/ACT tests results, and GPA</td>
<td>Enrollments and grades quarterly. PSAT/SAT sophomore, junior, and senior years</td>
</tr>
<tr>
<td>AP and CIE Courses</td>
<td>AP and CIE tests and examinations</td>
<td>Annually</td>
</tr>
<tr>
<td>College Level Coursework</td>
<td>Final grades earned by students</td>
<td>End of course</td>
</tr>
</tbody>
</table>
Academic Performance Index

“The method by which pupil progress in meeting those pupil outcomes is to be measured.”
– California Education Code § 47605 (b)(5)(C)

WSCA will meet all statewide standards and conduct all required state mandated student assessments as required by the charter school legislation, Education Code § 47605(c)(1). In order to be eligible for renewal, WSCA will meet the requirements of § 47607(b) of the Education Code.

As shown in chart Key Summative Student Assessment Goals, progress will be objectively measured by a range of methods including the annual statewide assessments for each grade, by other adopted statewide assessments, and by AP and CIE exam results. The annual school SARC report will be made available to parents and to the public. Progress will also be measured by classroom teachers in the traditional manner, such as through quizzes, essays, projects, performances, portfolios, exhibitions, tests, and exams. Progress will be discussed on a regular basis with parents and students (see Draft WSCA Student Handbook).

Use and Reporting of Data

Assessments will be used to inform WSCA regarding the mastery of content by students, the effectiveness of instruction and when additional and/or different instruction is needed. This use of assessment data will occur on four levels. The first level is to assist WSCA to identify the progress of individual students, providing the opportunity to identify individual students who are making appropriate progress, those who are not, and those who are excelling. Using this information, teachers and the counseling staff can provide specific assistance to each student as needed. (See previous discussions of PLC, Low Achieving Students, English Language Learners and Services for Students under the IDEIA.) This also includes counseling students on accelerated/enriched learning opportunities. Students needing extra assistance and/or time will also have several resources available to them. Teachers will offer weekly tutorial (office) hours. WSCA will offer a tutorial program, staffed by qualified parents, other students and local college students, based on PCS’s model. Students seeking more rigorous academic work will be encouraged to accelerate to a higher level course offered by WSCA and may also be encouraged to take courses at Sierra (Community) College and CSUS Sacramento. The Rocklin community and the anticipated parent base include many parents who speak more than one language. Specific efforts will be made by WSCA to match ELL with tutors fluent in the student’s primary language.

The second level for the use of assessment data is to identify situations during the school year where groups of students are not meeting expectations in a specific class, course or subject area. Teachers and/or departments will use assessment data to identify these situations and determine what steps are needed to provide additional instruction or re-teach to address the shortcomings. (See previous discussions of PLC, Low Achieving Students, English Language Learners and Services for Students under the IDEIA.)

The third level for the use of assessment data is to evaluate and continually improve the educational program through a review of the curriculum, instructional, and evaluation practices. For example, assessment results that show a broad lack of mastery in a specific topic or skill will trigger an evaluation by teachers, a department or the entire school of what is taught, what resources are available to teach it, how it is being taught, and the most appropriate manner to re-teach that specific content area.

Finally, as summarized in the Key Summative Outcome Goals chart, assessments will provide an overview of the success of WSCA’s academic program as a whole. As a college preparatory school, this will include information such as average GPA, the percentage of students receiving acceptance to their college of choice, which colleges students are attending, and the average SAT, SAT 2, AP, and CEI scores.
of graduates. It may also include information from surveys of WSCA graduates. In-depth reviews of all aspects of the academic program including academic achievement on standardized tests such as STAR – CST/CAT6/SABE/2 & CAHSEE, consistent with WSCA API Growth Plan, will occur twice a year by faculty, mid-year and summer, and at least annually by the Board.

**DataWise – Electronic Learning Assessment Resource**

WSCA will utilize an Electronic Learning Assessment Resource (ELAR) to support the four uses of assessment discussed above. ELARs are programs that simplify delivery, aggregation and disaggregation of data, providing teachers and administrators with information that allows them to make better decisions and design more individualized learning and instructional programs. Using DataWise, a widely recognized ELAR in California, WSCA will have the capacity to:

- Report the results of statewide pupil assessment programs in aggregate and disaggregate forms for analysis by administrators and teachers to plan for improved pupil achievement.
- Quickly identify achievement gaps.
- Link results of assessments to instructional strategies that are aligned to state adopted content standards and the curriculum frameworks.
- Provide information that can be tailored to individual pupil, classroom, school, and/or state level data.
- Reduce overhead and additional cost of assisting teachers and school administrators to plan.
- Align instruction to address academic deficiencies and strengths identified by both standardized and criterion referenced academic assessments.
SECTION V – GOVERNANCE STRUCTURE

The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.”
– California Education Code § 47605(b)(5)(D)

Non-Profit Public Benefit Corporation

WSCA will be operated by RA, which has constituted itself as a California non-profit public benefit corporation pursuant to California law and has had its 501(c)(3) status recognized by the Internal Revenue Service. WSAC will be governed pursuant to its adopted Bylaws, as subsequently amended from time to time, which will be consistent with this Charter.

WSCA will operate autonomously from the chartering entity, with the exception of the supervisory oversight as required by statute and other contracted services as negotiated between the chartering entity and RA. Pursuant to California Education Code § 47604(c), the chartering entity will not be liable for the debts and obligations of WSCA, or for claims arising from the performance of acts, errors, or omissions by WSCA as long as the chartering entity has complied with all oversight responsibilities required by law.

WSCA will operate as a performance-based organization, as described by researchers such as Lawler, Osborne, Gaebler, and Deming. (See Appendix 21 for more information on performance-based organizations.) A performance-based organization has specific goals, measurable objectives, and the managerial flexibility to achieve them.

Managerial Expertise/Executive Team

WSCA will benefit from the mature educational, administrative, and fiscal systems and procedures and experienced staff already supporting RA. Under the leadership of RA’s experienced Executive Director, WSCA will operate under the management of the RA Executive Team. The Executive Team consists of Executive Director David Patterson, Principal Patricia Teilh, and Business Manager Melissa Tritle. Executive Director Patterson is a nationally recognized expert on charter schools. He has thirty years of managerial, policy, and legislative experience at the local, state, and federal levels. He has also served as an elected school board member in Del Paso Heights and Rocklin. Dr. Patterson earned a Doctorate in Education Administration and Policy from the University of Southern California. He was the lead petitioner for RA for both of the existing schools. He has served as Executive Director of RA since July of 2003. Principal Patricia Teilh has thirty-three years of experience in public and private schools. Ms. Teilh has served as a Principal for 13 years, at three schools. She has a wide range of professional experience. Ms. Teilh has an administrative services credential and a Masters in Educational Leadership. Business Manager Melissa Tritle has 4 years of accounting and personnel experience in K-12 and higher education. She has earned a Masters in Accounting, and is currently in the process of obtaining her CPA. See Appendix 8 for more information on these individuals. A highly capable and qualified Principal for WSCA will be hired prior to the opening of WSCA and will be added to the Executive Team. See Appendix 22 for the job descriptions for each of these positions. The Executive Team is supported by a dedicated group of educational, administrative, and clerical staff members. Additional management and faculty with appropriate seventh through twelfth grade experience will be hired as part of the WSCA start-up process. See Appendix 23 for an organizational chart which reflects this additional staff. RA’s strong academic record, high quality operations and administrative, fiscal stability, strong fiscal reserves, and the strength of the WSCA educational model insures RA’s ability to attract additional highly qualified staff.
Board of Directors

The current RA Board consists of seven voting members and two nonvoting members to the board. Two voting board members are founding members, serving since the opening of the first school in 2001, and six of four members are parents of students attending our schools, and the seventh member is a parent of a former student. Each board member brings significant experience and a strong commitment to RA. The bylaws allow for up to nine voting members and three nonvoting members to the Board. Parents have a key role in the governance of all RA schools through their service as members of the Board. This will also be true for parents of students attending WSAC. In addition to the collaborative role teachers have in guiding the educational program of RA schools, teachers will also have a direct role guiding WSCA through their role as non-voting Board members.

The seven voting members of the Board are:

- Wendy Boyd, Chairperson (Founding Board Member, Dental Hygienist, and parent of an RA alumnus)
- Rick Miller (Education Consultant)
- Stephen Siler (Health Industry Statistician, Parent of RA student(s))
- Margaret Broussard (Attorney)
- Jarrett Black (High School Language Arts Teacher)
- Melissa Garrido (Teacher)

The two nonvoting members or representatives to the Board are:

- Principal Patricia Teilh
- Teacher Jillayne Antoon
- Teacher Amy Alford
- Teacher Melissa Whitney

As outlined in the Bylaws, members of the Board serve one year renewable terms. An annual organization meeting, the appointment of Directors, and the election of corporate officers occurs at the Board’s meeting each August, in accordance with the Bylaws. The Board is committed to recruiting parents of students attending WSCA to serve on the Board.

RA’s Bylaws permit at least one representative of the Board of Education of RUSD, as chartering entity for the existing schools, and at least one representative of the SBE, as chartering entity for WSCA, to serve on the Board. To date neither RUSD nor SBE has appointed a member to serve on the Board. If RUSD or SBE makes such an appointment, the representative(s) will sit on the Board as an ex-officio member who facilitates communications and mutual understanding between RA, the school(s), and the chartering entities.

The Board has a strong record of leadership, stability, and fiscal responsibility. The outstanding academic success, strong and stable management, six successive years of unqualified audits, and healthy fiscal reserves, are reflective of the leadership that will also guide the implementation and operation of WSCA. The Board will be fully responsible for the operation and fiscal affairs of all three schools including, but not limited to, the following:

1. Recruiting, hiring, and evaluating the Executive Director;
2. Financial and operational management of WSCA;
3. Adoption of WSCA’s annual financial budget;
4. Oversee receipt of operating funds by the school in accordance with the terms and procedures of the Charter Schools Act;
5. Oversee solicitation and receipt of grants and donations to WSCA;
6. Personnel policies and procedures and employee disciplinary matters;
7. Approval of hiring and dismissal recommendations made by the Executive Director;

Voting representation is determined by RUSD and SBE respectively. Non-voting representatives may not be on the Board, but may sit as a representative to the board.
8. Approval of contracts with outside entities or persons;
9. Financial audit oversight;
10. Relations with the chartering entity;
11. All matters related to charter approval, amendment, or revocation; and
12. Defend RA from any adverse legal actions.

The Board may initiate and carry on any program or activity, or otherwise act in any manner which is neither in conflict with, nor inconsistent with, nor preempted by, any law and which is not in conflict with the purposes for which charter schools are established.

The Board may execute any powers delegated to it by law and will discharge any duty imposed by law upon it and may delegate to any employee any of those duties. The Board, however, retains ultimate responsibility over the performance of those powers or duties so delegated.

The Board will defend RA from any adverse claims or legal actions. To date RA has not had any claims or lawsuits filed against it.

The Board will address program concerns regarding the operation and improvement of WSCA. The Board is the final policy-making authority for WSCA. The Board will recommend programs, policies, and schedules designed to meet the evolving educational needs of WSCA's students, parents, and teachers.

All Board meetings will be held in accordance with the Brown Act and will be open to the public and each agenda will include time for community input with regard to WSCA. However, the Board reserves the right to meet in closed session and discuss items for which closed sessions are permitted under the Brown Act. Decisions made in closed session will be reported in open session at the conclusion of the closed session. The board meetings will be held in compliance with the Bylaws.

**Executive Director**

The Executive Director is the Chief Executive Officer of Rocklin Academy's three schools, Rocklin Academy at Turnstone, Rocklin Academy at Meyers Street, and the future Western Sierra Collegiate Academy. The Executive Director reports to the Board, and is responsible for providing overall leadership and direction to the organization in the fulfillment of the Board policies and priorities. The Executive Director promotes the vision of the Board and is the Board's chief advisor, overseeing the strategic and operational plans of the corporation's three schools.

The Executive Director has overall day-to-day management responsibilities of the corporation and its three schools, determined by the Board as outlined in the Bylaws, job specification and the job specific employment contract. The Executive Director will ensure the corporation operates in fulfillment of the mission as spelled out in the charter(s) and in compliance with charter school law, RA Bylaws and applicable education law. The Executive Director will work with the Board and its committees to ensure the corporation makes sound strategic decisions, based on the effective use of student, programmatic and fiscal data. The Executive Director will ensure that the schools maintain a focus on student achievement. The Executive Director will serve as a spokesperson for RA to further the school(s) prominence within the local, state and national education and charter school communities.

Specifically, the responsibilities of the Executive Director, or his designee, will include, but are not limited to, the following:

- Oversee the strategic and operational plans of RA, including all its schools.
- Oversee the day to day management of RA, including the operations of all its schools.
- Develop Board meeting agenda in conjunction with the Board Chairperson in compliance with the Brown Act.
The Board and the Executive Director will work together to set annual goals. These annual goals for the Executive Director are approved by the Board. The Board evaluates the Executive Director’s performance at least annually.

**Business Manager**

The Business Manager is the Chief Financial Officer of RA. The Business Manager reports to the Executive Director, and is responsible for providing management of budgeting, financial operations, and personnel. The primary objective of the Business Manager is to work with Administration to ensure that RA is operating in a fiscally and administratively responsible manner that is consistent with the corporation’s mission. The essential duties and responsibilities of this position include, but are not limited to: the maintenance of appropriate fiscal controls, payroll, budget and budget oversight, financial, tax preparation, accounts payable, personnel and business operations.

**RA Turnstone and Meyers Principal**

The Principal supervises the campus teachers and non-instructional staff. The Principal acts as the instructional leader at both elementary schools and is responsible for helping students achieve outcomes as outlined in the Educational Program. The Principal is responsible for executing Board policies, the conduct of educational activities, and the recruitment, training, and evaluation of teaching and support staff under the supervision and direction of the Executive Director.
WSCA Principal

The Principal supervises the campus teachers and non-instructional staff. The Principal will act as the instructional leader at WSCA and shall be responsible for helping the students achieve outcomes as outlined in the Educational Program. The WSCA Principal will be responsible for executing Board policies, the conduct of educational activities, and the recruitment, training, and evaluation of teaching and support staff under the supervision and direction of the Executive Director.

The responsibilities of the Principal, or designee, may include, but are not limited to, the following:

- Oversee the implementation of an educational program consistent with WSCA mission and vision.
- Oversee development and implementation of curriculum in alignment with State of California Standards and Frameworks and the Core Knowledge Curriculum Sequence.
- Lead the teacher and staff hiring process.
- Provide timely performance evaluations of all employees.
- Participation in the dispute resolution procedure and the complaint procedure when necessary.
- Develop annual performance target goals.
- Oversee the recommendation and implementation of Individualized Education Plans (IEP) and attend said IEP meetings.
- Handle student disciplinary matters in accordance with policies and procedures.
- Plan and coordinate student orientation.
- Facilitate open house events.
- Oversee all parent/student/teacher relations.
- Staying abreast of education laws and legislation.
- Implement site safety procedures in compliance with all applicable laws.
- Create and appoint committees to assist in the execution of certain planning and administrative functions.
- Establish and execute enrollment procedures.
- Supervise all employees and volunteers.
Organizational Chart

The organizational chart below illustrates the function organization of WSCA under RA.
Parental Input Regarding the Educational Program

As required by Education Code § 47605, WSCA will use a range of methods to consult with and receive parental input. These methods are currently in use for parents attending existing RA schools and include parent/student/teacher conferences, open houses, email and phone communication, parent and student surveys, parent participation on committees, parent participation on the Board, and parent participation in the parent council.

Parent/Student/Teacher Conferences: Parent/student/teacher conferences will be scheduled upon request of a teacher or a parent. These conferences may occur at any time during the year, but will be clustered at the end of grading periods.

Open House: WSCA will conduct an all campus Open House at least once per year. Teachers will be available and all parents will be invited.

Email and Phone Communication: All teachers will have access to email and phones in order to communicate with families.

Parent and Student Survey: As are all current parents of RA students, all WSCA parents will be surveyed regarding their levels of satisfaction and to obtain their input on how we can improve annually. We currently are participating in the Center on Educational Governance (CEG) at USC Stakeholder (parent) Satisfaction Surveys, which provides a high quality survey instrument and the ability to compare our results with other schools. Students will also be surveyed, also using CEG at USC Stakeholder (student) Satisfaction Surveys. The survey results are reviewed annually by the faculty, administration, and Board.

Parent Participation on Committees: Parents also participate on a wide range of school committees. These include the Strategic Planning Committee, the curriculum committee and the site safety committee.

Parent Participation on the Board of Directors: The membership of the Board of Directors has always included a significant number of parents of current students. The Board will recruit one or more WSCA parent to serve on the Board upon opening of the school.

Parent Participation in WSCA: Ongoing participation by parents is an important part of WSCA. Each family will be required to sign a commitment to provide 30 hours of volunteer service to WSCA. (See Appendix 32 for a copy of the draft WSCA parent contract, WSCA will use that contract as the foundation for its contract.) Building on the participation of parents at RA and PCS, parents will provide a wide range of activities including but not limited to supervision of activities (such as clubs), tutoring support, coaching and supporting sports, supporting fine arts opportunities, community building and outreach, and fundraising. There will be a wide range of opportunities for parents to provide service, including opportunities for parents to meet their obligation at home or in non-conventional ways. In addition, there will be a process to waive the service requirement for a family whose circumstances make meeting the service requirement hard/not possible.

WSCA School Operations Committee

The School Operations Committee ("Committee") shall at a minimum include the Executive Director, the WSCA Principal, two faculty members selected by the faculty, one staff member selected by their peers and two parent representatives selected by the parents/guardians of enrolled WSCA students. The Committee will aid the Executive Director and the Principal in the execution of the school's mission, the formulation and execution of its education program, and the configuration and maintenance of its facilities. The Committee will also serve as an advisory board to the RA board. The Committee will meet on a regular basis and focus its work on:
• Upholding the mission and vision of the School;
• Oversee the implementation of the Charter;
• Provide notice and hold meetings in compliance with the Brown Act.
• Create external or sub-committees as needed;
• Develop local operational policies for approval by the Board of RA (as required) as well as work with the school’s administration, staff and parents to implement such policies;
• Monitor the school budget and the school’s fiscal practices, including solicitation and receipt of grants and donations;
• Assess and monitor the instruction programs; and
• Develop local student and family policies for approval by the Board of RA (as required), and assess and supervise the implementation of student and family policies including but not limited to, recruitment, admissions, disciplinary policies including suspension and expulsion.
SECTION VI – EMPLOYEE QUALIFICATIONS

The qualifications to be met by individuals to be employed by the school.”
California Education Code § 47605(b)(5)(E)

Hiring Process and Employee Qualifications

RA will recruit professional, effective and qualified personnel for all administrative, instructional, instructional support, and non-instructional support capacities that believe in the instructional philosophy outlined in our educational philosophy. In accordance with Education Code § 47605(d)(1), RA will be nonsectarian in its employment practices and all other operations. RA will not discriminate against any individual (employee or pupil) on the basis of ethnicity, national origin, gender or disability or any other characteristic described in Education Code Section 220. All employees of the charter schools will be employees of RA and will be at-will employees or will work under an employment contract.

WSCA Principal

The Principal supervises the campus teachers and non-instructional staff. The Principal shall act as the instructional leader at the School and shall be responsible for helping the School students achieve outcomes as outlined in the Educational Program. The WSCA Principal will be responsible for executing Board policies, the conduct of educational activities, and the recruitment, training, and evaluation of teaching and support staff as further outlined in the job specification and employment contract.

Candidates for this position will possess:

- Excellent communication and community-building skills
- Administrative experience
- Extensive knowledge of curriculum development
- A record of success in developing teachers
- Experience in performance assessment

This individual must meet all of the following minimum requirements:

- Valid California Administrative Credential, or equivalent experience
- Valid California Teaching Credential, or equivalent experience
- Possession of a Master's Degree or higher desirable

Teachers

WSCA shall comply with Education Code § 47605(l), which states in pertinent part:

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 shall be subject to periodic inspection by the chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to non-core, non-college preparatory courses.

Core Teaching Faculty, as providers of the day-to-day teaching and guidance to the students, are the primary resources of the School. In a school culture that promotes academic rigor and success for all students, grade level core teachers are responsible for, but not limited to:
• Subject instruction
• Curriculum planning
• Collaboration with fellow faculty and administrators
• Student assessment
• Communication with parents

Candidates for these positions will possess:

• A commitment to students and learning
• Knowledge about their subject material
• A willingness to be innovative and dynamic in their instruction methods

These individuals must meet all of the following minimum requirements:

• Bachelor's Degree
• Valid California Teaching Credential or equivalent.
• If appropriate, or determined by WSCA or the State of California as required, the individual will hold all appropriate supplemental credentials.

Additionally, core teachers, as defined by the No Child Left Behind Act, shall meet the applicable definitions of the highly qualified requirements. Teachers of core, college-preparatory classes shall meet the applicable definitions of the “highly qualified” requirements. Under NCLB, in order to teach a core class, a teacher is designated as “highly qualified” if they:

1) Hold a Bachelor’s Degree; and
2) 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; and
3) Demonstrate sufficient subject matter competency in accordance with Title 5, California Code of Regulations Sections 6111, 6112 and other applicable law.

Teachers are not required to be “highly qualified” in order to teach non-core, non-college preparatory courses. Educators in non-core classes, defined as those who are providing specialized learning opportunities, e.g., physical education, will have subject matter expertise, professional experience, and the demonstrated ability to engage learner's participation in the educational process as determined by the School, and meet NCLB requirements.

Paraprofessionals who are required to be “highly qualified” under the federal No Child Left Behind Act, will meet NCLB requirements.

All employees, including but not limited to librarians, library aids and health aids will possess the personal characteristics, knowledge base and/or relevant experiences in the responsibilities and qualifications identified in the posted job description as determined by RA.

All employees will be fingerprinted and will successfully pass all required Department of Justice/Federal Bureau of Investigations and LiveScan checks and undergo background checks that provide for the health and safety of faculty, staff and students.

In accordance with applicable law, RA reserves the right to recruit, interview and hire anyone at any time who has the best qualifications to fill any of its positions and/or vacancies.
RA will use a range of procedures and resources in the identification and hiring of the most qualified employees. Position descriptions will appropriately detail the work responsibilities and subject matter competence required. Recruitment will include the use of comprehensive job listing services such as EdJoin, Education Week, and the Sacramento Bee. Other sources such as university and college placement services may be used. RA has traditionally participated in job fairs, such as the one sponsored annually by the Placer County Office of Education. The hiring process for full time staff is intense. It typically includes a rigorous paper screening process and multiple structured interviews. Participants in the hiring process may include administration, teachers, other staff members, and parents. Teaching applicants typically are required to prepare and present a lesson. All this effort is part of RA’s commitment to find the best possible employees who are committed to supporting high levels of achievement by all students and to the mission and vision of RA.

Professional Development: Retention and Development of a Highly Qualified Faculty

Once employed, ongoing professional development is an integral part of professional practice for all teachers and administrators at WSCA. Ongoing professional development is essential to the continued development of faculty skills and expertise, and the retention of high quality faculty members. WSCA’s professional development will follow the standards of the National Staff Development Council. (See Appendix 24 for these standards.) Specialized professional development will include but not be limited to Core Knowledge, Advanced Placement, and Cambridge University teacher training. (See Appendix 25 for additional information about these trainings.) All full time RA employees are evaluated at least annually. The faculty evaluation system was created based on a review of the literature, practice at other public and private schools, and extensive discussion with faculty, administration, and the Board. Foundations for the structure include California Standards for the Teaching Profession and National Board for Professional Teaching Standards – The Five Core Propositions.

Employee Compensation and Benefits

RA provides competitive salaries and benefits to its employees. RA recognizes that it will need to provide employees who will work at WSCA with competitive salaries and benefits. In addition to the competitive salaries provided by RA, RA provides support for benefits significantly higher than provided by local districts (currently $767 per month for full time employee). RA currently provides a comprehensive package of benefits including sick leave, health, dental, vision and life insurance. RA also pays all applicable employment and retirement taxes and fees (e.g., social security, PERS, STRS).

Employees are informed of their benefits, their rights and policies and procedures through the RA Employee Handbook (the Handbook). The Handbook includes information regarding recruitment, working conditions, salaries, benefits, and employment policies. Salaries, benefits, and working conditions are reviewed annually by administration, and recommendations for changes are made to the Board.

Payroll for all RA employees is processed through PCOE. All full time teachers will be paid salary and offered annual employment contracts. Other employees are compensated in alignment with their job descriptions.
Evaluation of Employees

Faculty members are evaluated annually pursuant to an evaluation process that includes classroom observations, self-evaluation, and evaluation by the administrator, and a professional growth plan. Faculty members are evaluated based on the following seven dimensions.

1. Content Knowledge
2. Designing, Planning, Documentation, and Assessment of Work
3. Pedagogy, Instruction, Delivery
4. Classroom Management
5. Student Performance
6. Parent Partnership
7. Professionalism/Professional Responsibilities

Job Descriptions

See Appendix 22 for key position job descriptions.

Executive Director

The Executive Director is the Chief Executive Officer of RA (the corporation). The Executive Director reports to the Board, and is responsible for providing overall leadership and direction to the organization in the fulfillment of the Board policies and priorities. Specific Executive Director functions include directing the corporation's programmatic, organizational and financial plans and activities that further the corporations' mission and goals. The Executive Director promotes the vision of the Board and is the Board's chief advisor.

Principals

The Principals supervise the campus teachers and non-instructional staff. The WSCA Principal will act as the instructional leader at WSCA and will be responsible for helping students achieve outcomes as outlined in the Educational Program.

Candidates for this position will possess:

- Excellent communication and community-building skills
- Administrative experience
- Extensive knowledge of curriculum development
- A record of success in developing teachers
- Experience in performance assessment
- Experience in collaborative instructional leadership

This individual must meet all of the following minimum requirements:

- Valid California Administrative Credential, or equivalent experience
- Valid California Teaching Credential, or equivalent experience
- Possession of a Master's Degree or higher, desirable
Teachers

A critical foundation of educational excellence is the recruitment and selection of high-quality teachers to teach core, college preparatory courses. WSCA plans to employ the finest teachers available who are committed to our mission and vision. The most important qualifications for teachers are expertise in his or her subject matter, a demonstrable effectiveness in teaching diverse youth, being collegial and a team player, a willingness to take responsibility for WSCA as a whole, and, at minimum, possessing a teacher credential as required by law and being “Highly Qualified” as defined in California under No Child Left Behind (“NCLB”).

Using a range of recruitment methods, including EdJoin, a recruitment section on WSCA’s website, relationships with teacher education programs at colleges, and advertisements in publications such as Education Week/Teachers Magazine, WSCA will recruit both experienced and expert teachers to provide a deep foundation and new teachers with unending energy and an eagerness to learn. WSCA will seek teachers with a proven track record in helping students achieve in academic competitions and at high levels on exams like the Advanced Placement Test.

WSCA will comply with Education Code § 47605(l), which states in pertinent part:

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 shall be subject to periodic inspection by chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to non-core, non-college preparatory courses.

Core Teaching Faculty, as providers of the day-to-day teaching and guidance to the students, are the primary resource of WSCA. In a school culture that promotes academic rigor and success for all students, grade level core teachers are responsible for, but not limited to:

- Core subject instruction in mathematics, language arts, science, and history/social studies
- Curriculum planning
- Collaboration with fellow faculty and administrators
- Student assessment
- Communication with parents

Candidates for these positions will possess:

- A commitment to students and learning
- Knowledge about their subject material
- A willingness to be innovative and dynamic in their instruction methods

These individuals must meet all of the following minimum requirements:

- Bachelor’s Degree
- Valid California Teaching Credential or equivalent.
- If appropriate, or determined by RA or the State of California as required, the individual will hold all appropriate supplemental credentials.

Additionally, core teachers, as defined by NCLB, will meet the applicable definitions of the highly qualified requirements. Educators in non-core, non-college preparatory classes, defined as those who are providing specialized learning opportunities, e.g., physical education, will have subject matter expertise, professional experience and the demonstrated ability to engage learner’s participation in the educational process as determined by the School and meet any applicable requirements of the NCLB legislation.
SECTION VII – DESCRIPTION OF EMPLOYEE RIGHTS

Employee Representation

“A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act”
– California Education Code § 47605(b)(5)(O)

RA will be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (―EERA‖).

Rights of School District Employees

“A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.”
– California Education Code § 47605(b)(5)(M)

Employees of RUSD who choose to leave the employment of RUSD to work in WSCA will have no automatic rights of return to RUSD after employment by RA unless specifically granted by RUSD through a leave of absence or other agreement.

All employees of RA will be considered the exclusive employees of RA and not of RUSD nor the SBE, unless otherwise mutually agreed in writing. Sick or vacation leave or years of service credit at RUSD or any other school district will not be transferred to RA. Employment by RA provides no rights of employment at any other entity, including any rights in the case of closure of WSCA. All employment by RA or WSCA will be voluntary.

An employee of the charter school shall have the following rights:

(A) Any rights upon leaving the employment of a local education agency to work in the charter school that the local education agency may specify.

(B) Any rights of return to employment in a local education agency after employment in the charter school as the local education agency may specify.

(C) Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the State Board of Education determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.

Retirement Benefits

“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.”
– California Education Code § 47605(b)(5)(K)

All full-time employees at WSCA will participate in a qualified retirement plan including but not limited to State Teachers Retirement System (―STRS‖), Public Employees Retirement System (―PERS‖), and the federal social security system based on their eligibility to participate. RA teachers participate in STRS. Non-credentialed staff who qualify participate in PERS and social security. All other staff participate in the federal
social security system. Staff may have access to other school sponsored retirement plans according to policies developed by the Board and adopted as the school's employee policies.
SECTION VIII – HEALTH AND SAFETY PROCEDURES

Governing Law: The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school record summary as described in § 44237.
– California Education Code § 47605(b)(5)(F)

In order to provide safety for all students and staff, WSCA will adopt and implement health and safety procedures and risk management policies at our school site in consultation with its insurance carriers and risk management experts. Upon adoption, the full set of policies will replace those in the appendix and be incorporated as a part of this Charter. As such policies are subject to regular updating and amending based on many factors, including, but not limited to, judicial rulings, changes to the Education Code or other laws, and requirements of our insurance carrier the Appendix may change often without being considered a material change to the Charter.

The following is a summary of the health and safety policies of WSCA:

**Procedures for Background Checks**

Employees and contractors of WSCA will be required to submit to a criminal background check and finish a criminal record summary as required by Education Code §§ 44237 and 45125.1. New employees must submit two sets of fingerprints to the California Department of Justice and receive a clear criminal record summary. Prior to commencing employment, the WSCA Principal will monitor compliance with this policy. The Executive Director will monitor the fingerprinting and background clearance of the Principal. Volunteers who will volunteer outside of the direct supervision of an employee will be fingerprinted and receive background clearance prior to volunteering without the direct supervision of an employee.

**Role of Staff as Mandated Child Abuse Reporters**

All employees will be mandated child abuse reporters and will follow all applicable reporting laws.

**TB Testing**

WSCA will follow the requirement of Education Code § 49406 in requiring tuberculosis testing of all employees.

**Immunizations**

WSCA will adhere to all laws related to legally required immunizations for entering students pursuant to Health and Safety Code § 120325-120375, and Title 17, California Code of Regulations §§ 6000-6075.

**CPR/First Aid Training**

All employees should be CPR/First Aid trained before the end of their first year of employment.
Medication in School

WSCA will adhere to Education Code § 49423 regarding administration of medication in school. Vision/Hearing/Scoliosis WSCA will adhere to Education Code § 49450, et seq., as applicable to the grade levels served by the school.

Oral Health Examinations

WSCA will require its students to comply with all oral health examinations pursuant to Education Code § 49452.8.

Emergency Preparedness

WSCA will adhere to an Emergency Preparedness Plan drafted specifically to the needs of the school site in conjunction with law enforcement and the Fire Marshall. This plan will include, but not be limited to the following responses: fire, flood, earthquake, terrorist threats, and hostage situations. If assuming a facility that was previously used as a School site, any existing emergency preparedness plan for the school site shall be used as a starting basis for updating the handbook for WSCA. If the School is not situated on a public school site it will develop its own Emergency Preparedness Plan specific to the site.

Blood Borne Pathogens

WSCA will meet state and federal standards for dealing with blood borne pathogens and other potentially infectious materials in the workplace. RA has established a written infectious control plan designed to protect employees and students from possible infection due to contact with blood borne viruses, including human immunodeficiency virus (−HIV−) and hepatitis B virus (−HBV−). This plan includes the annual training of staff.

Whenever exposed to blood or other bodily fluids through injury or accident, staff and students will follow the latest medical protocol for disinfecting procedures.

Diabetes [note this only applies to schools with a 7th grade]

Beginning in the 2010-11 school year, WSCA will provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7th grade students, pursuant to Education Code § 49452.7. The information sheet shall include, but shall not be limited to, all of the following:

3. A recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes should be screened for type 2 diabetes.
5. A description of the different types of diabetes screening tests available.

Drug Free/Alcohol Free/Smoke Free Environment

WSCA will maintain a drug, alcohol and tobacco free workplace.

Facility Safety

The Charter School shall comply with Education Code Section 47610 by either utilizing facilities that are compliant with the Field Act or facilities that are compliant with the California Building Standards Code. The School agrees to test sprinkler systems, fire extinguishers, and fire alarms annually at its facilities to ensure that they are maintained.
in an operable condition at all times. The School shall conduct fire drills as required under Education Code Section 32001 and in conjunction with the District (if at District facilities).

**Integrated Complaint and Investigation Procedure**

WSCA will utilize RA’s existing complaint and investigation procedure to centralize all complaints and concerns coming into the school. Under the direction of the Board, the Executive Director will be responsible for investigation, remediation, and follow-up on matters submitted through this procedure.

**Comprehensive Sexual Harassment Policies and Procedures**

WSCA is committed to providing a school that is free from sexual harassment, as well as any harassment based upon such factors as race, religion, creed, color, national origin, ancestry, age, medical condition, marital status, sexual orientation, or disability. WSCA will adopt a comprehensive policy to prevent and immediately remediate any concerns about sexual discrimination or harassment at WSCA (including employee to employee, employee to student, student to employee, and student to student misconduct). Misconduct of this nature is very serious and will be addressed in accordance with WSCA sexual harassment policy. See Appendix 26 for the WSCA Sexual Harassment Policy (draft).

**School Facility Safety**

WSCA will comply with all applicable federal environmental laws. WSCA will comply with Education Code § 47610 by either utilizing facilities that are compliant with the Field Act or facilities that are compliant with the State Building Code. WSCA agrees to test, or if in a district owned or leased facility, to verify, that sprinkler systems, fire extinguishers, and fire alarms are tested annually at its facilities to ensure that they are maintained in an operable condition at all times. WSCA will conduct fire drills monthly. As is current practice with RA Turnstone and RA Meyers, if WSCA students are housed at facilities belonging to the chartering entity, WSCA will operate under the provisions of the School Safety Plan of the facility where it is housed. If WSCA is not operating under the School Safety Plan of the facility where it is housed, it will implement its own school safety and disaster preparedness plan that will be based on the provisions of Education Code § 32286(a).
SECTION IX – DISPUTE RESOLUTION PROCESS, 
OVERSIGHT, REPORTING AND RENEWAL

The procedures to be followed by the Charter School and the entity granting the 
charter to resolve disputes relating to provisions of the charter.”
– California Education Code § 47605(b)(5)(N)

WSCA and the Authorizer will always attempt to resolve any disputes between them amicably and reasonably 
without resorting to formal procedures. Both shall refrain from public commentary regarding any disputes until the 
matter has progressed through the dispute resolution process unless legally required to do otherwise.

The Charter School shall fulfill any specific provisions relating to dispute resolution that the State Board of 
Education determines necessary and appropriate in recognition of the fact that the State Board of Education is 
not a local education agency. The charter school shall split costs of the dispute resolution with the State Board 
of Education unless otherwise agreed.

Because, it is not a local education agency, the State Board of Education may choose resolve a dispute directly 
instead of pursuing the dispute resolution process specified in the charter, provided that if the State Board of 
Education intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the 
charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the 
dispute instead of pursuing the dispute resolution process specified in the charter.

If the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited 
to, revocation of the Charter in accordance with Education Code section 47604.5, the matter will be 
addressed at the State Board of Education’s discretion in accordance with that provision of law and any 
regulations pertaining thereto.

Any complaints/concerns received by the Authorizer about any aspect of the operation of WSCA or about WSCA 
shall be promptly forwarded by the Authorizer to the Board. To the extent that such concerns/complaints may 
involve issues related to possible revocation or non-renewal of the Charter, the Authorizer may request that WSCA 
inform the Authorizer of how such concerns/complaints were or will be addressed. WSCA agrees to provide such 
information. The parties recognize that WSCA shall not be obligated to release information that is determined by law 
to be confidential in nature and not subject to release to the Authorizer.

Mediation: Prior to the filing of any litigation between the Authorizer and WSCA, the parties agree to meet to 
try to resolve the issues. If such meetings are not successful, the parties shall attempt to resolve the issue by 
way of non-binding mediation. Each party shall be responsible for its own costs and expenses related to 
participation in mediation. The parties shall mutually agree on a mediator and WSCA shall bear the full expense of 
the mediator. WSCA recognizes that because the SBE is not a local educational agency, it may choose to resolve a 
dispute directly instead of pursuing mediation as specified here, provided that if the SBE does choose to resolve a 
dispute directly, it must first hold a public hearing to consider arguments for and against the direct resolution of that 
dispute.

If the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited 
to, revocation of the Charter in accordance with Education Code § 47604.5, the matter will be addressed at the 
State Board of Education’s discretion in accordance with that provision of law and any regulations pertaining thereto.
SECTION X – STUDENT ADMISSIONS, ATTENDANCE, AND SUSPENSION/EXPULSION POLICIES

Admission Requirements

"Admission requirements, if applicable."
– California Education Code § 47605(b)(5)(H)

WSCA will not discriminate on the basis of race, religion, color, national origin, age, sex, or disability or any other characteristic described in Education Code Section 220 in its educational programs, activities, or employment. All educational opportunities will be offered free of tuition and without regard to race, religion, color, national origin, age, sex, or disability.

The recruitment activities are planned to reach all students in grades seven through twelve in the local community and to promote a diverse student base. Information will be submitted to local newspapers introducing WSCA and our vision for our students. An informative website has been developed (www.wscacademy.org) and will be regularly updated with information about WSCA and our admission process. The website will include information explaining that WSCA is open to and welcomes all students who share our mission, and that academic support services are available for students that need them. An information brochure will be developed in both English and Spanish. The brochure will also explain that WSCA is open to all students. A series of widely publicized informational meetings will be held to inform the community about WSCA and the admission process. Advertisements will be taken out in local newspapers, such as the Placer Herald. Flyers describing WSCA and the opportunities we provide will be mass distributed to homes in Rocklin. Information tables will be set up at major community events, such as the annual Rocklin Jubilee, Rocklin Chamber of Commerce events, and sporting events. Additionally, information about WSCA will be provided to local community based organizations and groups, and to local churches.

A copy of the WSCA Student Handbook will be available on the WSCA website and a copy will be provided to each student annually at the beginning of the school year.

Enrollment in WSCA will be open to any student or resident of California committed to completing an academically rigorous college preparatory program. Enrollment is not based on prior academic achievement. WSCA is a partnership between the school, the student and their family. In this partnership, each party has responsibilities. As part of the admission process all three parties, WSCA, the student and their parent(s), will sign a “partnership agreement” which will outline the commitment each has to the mission, vision and education program of WSCA and the basic responsibilities of each. Students who are currently under an expulsion from a public school may not enroll in WSCA until the expulsion term is documented as completed, and the student completes the rehabilitation plan created by the former school or as created by WSCA on behalf of the student.

An open application period will occur annually (typically in early spring) at dates to be available to the public on our website or by contacting WSCA.

WSCA will admit all students who wish to enroll, subject to capacity. If the number of students wishing to attend exceeds the WSCA capacity, one or more public random drawings consistent with the provisions of Education Code § 47605(d)(2)(B) will be used to select students. This lottery will be conducted in a public setting, at a time and place (e.g., RA Turnstone or the WSCA school site) to be made known in advance to the community. The lottery process will be used to determine who will be offered enrollment, and the order of the waiting list.
If WCSA receives grant funding for the federal Public Charter School Grant Program, the federal Credit Enhancement for Charter School Facilities Grants Program or the federal State Charter School Facilities Incentive Grants Program from the California Department of Education, it will (for the period of receipt and exhaustion of these grants) establish admission criteria that are consistent with these programs and that are applicable to:

- Students returning from the previous year;
- Siblings of students currently enrolled at WCSA;
- Children the founders and teachers of WCSA as long as the total number of students in this category is less than 10% of total enrollment.

If WCSA does not receive grant funding for the federal Charter School Program, the federal Credit Enhancement for Charter School Facilities Grants Program or the federal State Charter School Facilities Incentive Grants Program from the California Department of Education or is in the final year of receiving such grant funding and has obligated all grant funds then, a preference for enrollment will be given according to WSCA policy to:

- Residents of the RUSD.
- Students returning from the previous year.
- Siblings of currently enrolled students.
- Students of Founding Families.
- Children of the staff and of the Board of Directors of WSCA.
- Students on a wait list.
- Other California residents.

A waiting list of applicants at each grade level will be maintained to fill vacancies that occur during the school year. When a drawing is necessary after an enrollment period has ended, it will be conducted in accordance with the preference groups established herein.

Any applicant that has filed false information on any form in order to gain entrance to WSCA will not be admitted, along with any sibling and/or relative who has gained admission through the “sibling priority preference” as stated in this Charter. If at any subsequent point it has been factually determined that an applicant filed false information to gain admission into WSCA, the student and any sibling and/or relative who benefited from the “sibling priority preference” may be disenrolled from WSCA after an opportunity to appear and present to the Board.

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i For the purposes of this preference, students enrolling at WSCA from the existing RA schools will be considered returning students of WSCA.

ii A WSCA Founding Family is defined as parents or guardians who completed a combined total of 150 documented hours of volunteer time towards the establishment of the school prior to the Charter School approval.
Means to Achieve Racial/Ethnic Balance Reflective of District

"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."
- California Education Code Section § 47605(b)(5)(G)

WSCA will strive, through recruitment and admissions practices, to achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the RUSD. Students will be considered for admission without regard to ethnicity, national origin, gender, disability or sexual orientation.

Rocklin Academy’s student population is already more diverse than RUSD. Rocklin Academy’s diversity index is 24, compared to RUSD’s diversity index of 21 (Source: Ed-Data). Rocklin Academy has a higher percentage of Filipino and Asian students, the same percentage of Native Americans and a slightly lower percentage of Caucasian, Hispanic and African American students (Source: Ed-Data). Based on the success of Rocklin Academy’s ability to enroll a diverse student population, WSCA expects it also will be successful in enrolling a diverse student population.

WSCA will implement a recruitment strategy that includes, but is not necessarily limited to, the following elements or strategies which focus on achieving and maintaining a racial and ethnic balance among students that is reflective of the general population residing within the territorial jurisdiction of RUSD, including providing Spanish language materials:

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based application process;
- The development and distribution of promotional and informational material that reaches out to all of the various racial and ethnic groups represented in the territorial jurisdiction of RUSD;
- Outreach activities include, but are not limited to:
  - Press releases and other communications with local print and broadcast news media;
  - Posting of notices or banners in libraries and other public buildings and spaces, as well as with local businesses and religious institutions.

SBE has expressed its interest in WSCA student population reflecting the racial and ethnic balance of RUSD as a whole. In light of this mutual goal, WSCA requests that RUSD include information about WSCA on its website and in its informational materials.

As part of outreach to Spanish speakers, WSCA prepares:

a. General information sheets, and other key documents, including the school vision and mission statement in Spanish
b. Information in Spanish on the WSCA website

WSCA will also monitor and report to CDE its enrollment data annually in a timeframe that will allow analysis of the data by CDE and any necessary changes to the recruitment process to be made for subsequent years. WSCA agrees to adopt changes recommended by CDE.
Public School Attendance Alternatives

“The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.”
– California Education Code § 47605(b)(5)(L)

No student may be required to attend WSCA. Students who do not want to attend WSCA may attend the schools in the school district where they reside, or pursue an inter-district transfer in accordance with existing enrollment and transfer policies of their district or county of residence. Parents and guardians of each student enrolled in WSCA will be informed on admissions forms that the students have no right to admission in a particular school of an local education agency (or program of any local education agency) as a consequence of enrollment in WSCA, except to the extent that such a right is extended by the local education agency.

Pupil Suspension and Expulsion

“The procedures by which pupils can be suspended or expelled.”
– California Education Code § 47605(b)(5)(J)

Students will not be suspended or expelled for academic failure. Students will only be suspended or expelled for actions for which they could be suspended or expelled from a school district, as defined by Education Code §§ 48900 to 48926.

WSCA acknowledges the responsibility of each student, parent, volunteer, faculty, staff member and administrator to contribute to the wellbeing of the community by demonstrating responsibility and accountability for individual and group actions. It is WSCA’s goal to enhance the quality of relationships, the quality of learning, and the quality of the community through shared responsibility.

The purpose of discipline at WSCA is to:

• Promote genuine pupil development;
• Increase respect of authority;
• Assist in the growth of self-discipline; and
• Provide an orderly atmosphere conducive to learning and to promote character development.

The WSCA suspension and expulsion policies will be printed and distributed to the WSCA community as part of the School’s Student-Family Handbook. The Handbook will clearly describe our academic and behavioral expectations including attendance, work habits, harassment, substance abuse, violence, and safety requirements. School discipline will be addressed during orientation and all students, parents, and guardians will be asked to verify that they have reviewed and understand the policies and procedures.

Any student who engages in repeated violations of WSCA’s behavioral expectations may be required to attend a meeting with the WSCA staff and the student’s parent/guardian. WSCA may prepare a specific, written remediation agreement outlining future student conduct expectations, timelines, and consequences for failure to meet the expectations which may include, but are not limited to, suspension or expulsion. The Principal may discipline and ultimately suspend or recommend expulsion to the Board for students who fail to comply with the terms of a remediation agreement. Students who present an immediate threat to health and safety may also be immediately suspended and later expelled by the Board upon recommendation of the Principal. WSCA’s policies will provide all students with due process and will be developed to conform to applicable federal laws relating to discipline of students with exceptional needs prior to beginning instruction.
WSCA will notify SBE of any expulsions and will include suspension and expulsion data in its annual performance report.

As outlined in RA’s Suspension and Expulsion Policy for WSCA, the hearing process mandated for school districts therein will be followed as closely as is feasible with the Board acting as Governing Board of a school district. Given that WSCA does not have all of the powers of a Governing Board, some actions cannot be directly implemented, such as assignment to a continuation school, and these cases will be forwarded to the Governing Board of the chartering entity or the student’s district of residence.

WSCA will comply with Education Code § 47605(d)(3) notification requirements.

A student will be suspension prior to expulsion. The only mandatory expulsion will be due to those acts under the Federal Gun Free Schools Act. Notice of expulsion will be provided back to the district of residence if a student is expelled.

WSCA acknowledges that special education students have special rights relating to suspension and expulsion and these are detailed more fully in the draft WSCA suspension and expulsion policy. See Appendix 27 for the draft WSCA suspension and expulsion policy. The finalized Suspension and Expulsion Policy will replace Appendix 27 upon adoption and be incorporated herein as part of the Charter.
SECTION XI – FINANCIAL PLANNING, BUSINESS MATTERS, REPORTING AND ACCOUNTABILITY

WSCA is a wholly separate and independent entity from SBE.

WSCA will receive funding in accordance with Education Code § 47630 et. seq., and applicable federal law. WSCA may receive its funding directly from the state or through any other available mechanism. Any funds due to WSCA that flow through SBE will be promptly forwarded to WSCA in accordance with law. RA and SBE will negotiate in good faith on an annual basis to develop a memorandum of understanding that establishes the relationship between the two parties.

SBE will be reimbursed its actual costs up to 1% of the revenue of WSCA (defined in accordance with Education Code § 47613(a) through (f)) supervision and oversight costs. “Revenue” is defined by Education Code § 47613(f) as the general purpose entitlement and categorical block grant, as defined in subdivisions (a) and (b) of Education Code § 47632. SBE will provide and/or perform the supervisory oversight tasks and duties specified by Education Code § 47604.32 and/or necessitated by this Charter. These supervisory oversight services also include, but are not necessarily limited to, the following:

- Good faith efforts to develop any needed additional agreements to clarify or implement the Charter.
- Regular review, analysis, and dialogue regarding the annual performance report of the school.
- Monitoring of compliance with the terms of this Charter and related agreements.
- Good faith efforts to implement the dispute resolution and related processes described in Section IX of this Charter.
- Timely and good faith review of requests to renew or amend this Charter as permitted under law.

Fiscal Strength and Support

RA has significant financial strength. This strength includes strong financial reserves of $1,139,777. RA has received a California Department of Education Planning Grant of $45,000 to support the creation of WSCA. In addition, WSCA will be eligible for a California Implementation Grant of $450,000. (WSCA’s proposed budget does not include this funding. The budget will be revised upon approval of the grant.) WSCA is also able to apply for a Charter School Revolving Loan for up to $250,000, immediately upon approval.

WSCA will be served by the same financial systems provided under contract to RA by the Placer County Office of Education (“PCOE”). These include accounting and payroll services, including STRS and PERS reporting, and state reporting (to the California Department of Education). The use of PCOE’s fiscal systems also provide the sponsoring district of the existing schools and the PCOE with full access to financial data as necessary for their oversight role, further ensuring appropriate safeguarding of public funds. RA also uses PowerSchool™, a student information system (SIS) used extensively in California and through the United States. PowerSchool™ will be used for student attendance accounting and reporting. PowerSchool™ is recognized as meeting California requirements for attendance accounting (average daily attendance claims and support for audits of attendance) by the California Department of Education. This SIS also provides comprehensive student databases, state reporting, scheduling, and administrative tools. RA will provide all administrative services, further ensuring high quality services, in a cost-effective manner.

WSCA will be served by the same financial systems provided under contract to RA by the PCOE. (See Appendix 28 for a letter of support from PCOE.) This includes accounting and payroll services, including STRS and PERS reporting, and state reporting (to the California Department of Education). The use of PCOE’s fiscal systems also provides SBE and PCOE with full access to financial data as necessary for their oversight role, further ensuring appropriate safeguarding of public funds.
Insurance

RA will secure and maintain, on behalf of WSCA, commercially reasonable general liability, workers’ compensation, and other necessary insurance coverage. RA will secure and maintain, at a minimum, insurance as set forth below to protect WSCA from claims that may arise from its operations:

• Workers’ Compensation Insurance in accordance with provisions of the California Labor Code, adequate to protect WSCA from claims under Workers’ Compensation Acts, which may arise from its operations;

• General Liability, Comprehensive Bodily Injury, and Property Damage Liability for combined single limit coverage of not less than $2,000,000 for each occurrence. The policy will be endorsed to name SBE as an additional insured.

(These amounts may be increased upon recommendation of the Insurer or as required by agreement between the SBE and RA.)

RA will maintain adequate property and liability insurance, for WSCA. Types and amounts will be agreed upon in an operational agreement between SBE and RA. Consistent with Education Code § 47604(c) proof of insurance will be provided to the SBE prior to the opening of school and thereafter each July 1st. WSCA will be responsible for all charges for such insurance coverage.

Administrative Services

As necessary, RA will contract for administrative services with service providers as appropriate. RA has already had positive preliminary discussions with PCOE regarding providing the same fiscal and administrative services as it currently provides for the two existing schools.

Currently RA has an appropriate and mutually cooperative business relationship with RUSD as the chartering entity for the Existing Schools. WSCA make seek to expand the relationship between RUSD and the two Existing Schools to mutually benefit WSCA and RUSD. As part of such a relationship, RA may seek to purchase services from RUSD with regard to WSCA. The specific terms under which any services or goods may be provided, and the cost for these services or goods, if any, will be contained in a separate, written agreement.
Annual Performance Report

The Rocklin Academy Board will annually review the effectiveness of WSCA. The review will be guided by three key questions:

1. Is the academic program a success?
2. Is the school a viable organization?
3. Is the school true to the Charter?

WSCA will compile and provide to the chartering entity by December 15th of each year an Annual Performance Report. This report will, at a minimum, include the following data:

- Summary data showing student progress toward the goals and outcomes specified in Section IV from assessment instruments and techniques listed in Section IV.
- An analysis of whether student performance is meeting the goals specified in Section IV. This data will be displayed on both a school-wide basis and disaggregated by major racial and ethnic categories to the extent feasible without compromising student confidentiality.
- A summary of major decisions during the year.
- Data on the level of parent involvement in the school's governance and other aspects of the school, and summary data from an annual parent and student satisfaction survey.
- Data regarding the number of staff working at the school and their qualifications.
- An overview of the school's admissions practices during the year and data regarding the number of students enrolled, the number on waiting lists, and the number of students expelled and/or suspended.
- Other information regarding the educational program and the administrative, legal, and governance operations of the school relative to compliance with the terms of the charter generally.

Audits

"The manner in which an annual, independent financial audit 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."

– California Education Code § 47605(b)(5)(I)

An annual independent fiscal audit of the books and records of WSCA will be conducted as required under the Charter Schools Act §§ 47605(b)(5)(I) and 47605(m). The books and records of WSCA will be kept in accordance with generally accepted accounting principles, and as required by applicable law and the audit will employ generally accepted accounting procedures. The audit of WSCA may be included in the audit process of all schools operated by RA, however as an LEA WSCA will have an independent audit pursuant to Education Code § 41020. The audit will provide separate revenues and expenditures and balance sheet data for WSCA. The audit will be conducted in accordance with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the Education Audit Appeals Panel Audit Guide.

The Board will select an independent financial auditor from the list approved by the State Controller’s Office and through a request for proposal format. The Board may use an audit committee to advise the board. The auditor will have, at a minimum, a CPA and educational institution audit experience and approved by the State Controller on its published list as an educational audit provider. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in applicable Office of Management and Budget Circulars.
It is anticipated that the annual audit will be completed within four months of the close of the fiscal year and that a copy of the auditor’s full report, including the auditor’s findings will be forwarded to the County Superintendent of Schools, the State Controller, and to the CDE, Charter Schools Division by the 15th of December of each year. A review of each year’s audit will occur at a Board meeting. Copies of each audit will be available on request to parents and any other community member. The Executive Director, along with the audit committee, will review any audit exceptions or deficiencies and report to the Board with recommendations on how to resolve them. The Board will submit a report to SBE describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of SBE along with an anticipated timeline for the same. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process referenced in Section IX of this Charter, or, if applicable, referred to the Education Audit Appeals Panel appeal process as cited in Education Code § 41344. SCA agrees that all compliance issues revealed in the audit findings will be the responsibility of WCSA to correct. Should the audit note any exceptions or deficiencies, WCSA will implement a procedure whereby they will:

1. Inform in writing all audit recipients of any exception and/or deficiency, WCSA disputes or believes has already corrected by the time or submitting the audit, along with supporting documentation.
2. Informs all audit recipients in writing of a proposed timetable with benchmarks for the correction of each exception and/or deficiency still outstanding at the time of the audit submission.
3. Resolves all outstanding or disputed exceptions and/or deficiencies to the satisfaction of the SBE and to the satisfaction of the California Department of Education, School Fiscal Services Division, in a timely manner.

The independent fiscal audit of WCSA is public record and will be provided to the public upon request.

In accordance with Education Code § 47604.3, WCSA will promptly respond to all reasonable inquires of the chartering entity. WCSA recognizes the right of the chartering entity to inspect or observe any part of WCSA at any time.

For the last six years RA has received unqualified, positive fiscal and compliance audits from the highly qualified firm of Perry-Smith LLC. Perry-Smith is a full-service accounting firm located in Sacramento. It is also the firm that has been used in recent years by RUSD. Pursuant to CDE guidelines, last year RA changed auditors. For the 2006-07 school year, RA’s independent audit was conducted by Gilbert and Associates, another highly respected Sacramento firm. Gilbert and Associates is also providing audit services to RUSD.


**Budgets and Cash Flow**

*Governing Law: The petitioner or petitioners shall also be required to provide financial statements that include a proposed first year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation.*

– California Education Code § 47605(g)

See Appendix 29 for the following documents:

- Projected budget for five years, including startup costs; and
- Cash flow and financial projections for the first five years of operation.

These documents are based upon certain projected enrollments for the five years. The documents are also based on the best estimates of revenues and costs available to the Charter School at this time.
Financial Reporting

WSCA will provide reports to SBE as follows, and will provide additional fiscal reports as requested by SBE:

1. By July 1, a preliminary budget for the current fiscal year. For a Charter School in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code § 47605(g) will satisfy this requirement.

2. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. Additionally, on December 15, a copy of WSCA’s annual, independent financial audit report for the preceding fiscal year will be delivered to the District, State Controller, State Department of Education and County Superintendent of Schools.

3. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31.

4. By September 15, a final unaudited report for the full prior year. The report submitted to the District will include an annual statement of all WSCA’s receipts and expenditures for the preceding fiscal year.

RA and WSCA will maintain appropriate records. In accordance with the timelines required by Education Code §47604.33, a copy of the proposed fiscal year budget for WSCA, financial reports, and unaudited actual will be forwarded to SBE. WSCA will be operated in accordance with generally accepted accounting principles (“GAAP”). A business operations manual has been developed/adopted and will be utilized for WSCA’s day-to-day business functions.
SECTION XII – POTENTIAL CIVIL LIABILITY EFFECTS

"Potential civil liability effects, if any, upon the school and upon the District."
– California Education Code Section 47605(g)

Intent

This statement is intended to fulfill the terms of Education Code § 47605(g) and provide information regarding the proposed operation and potential effects of WSCA on SBE.

Civil Liability/Insurance

WSCA will be operated by the existing California non-profit public benefit corporation. This corporation is organized and operated exclusively for charitable purposes within the meaning of § 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code § 23701d.

Pursuant to Education Code § 47604(c), an entity that grants a charter to a charter school operated by or as a non-profit public benefit corporation will not be liable for the debts or obligations of the Charter School or for claims arising from the performance of acts, errors or omissions by the Charter School if the authority has complied with all oversight responsibilities required by law. WSCA will work diligently to assist the District in meeting any and all oversight obligations under the law, including meetings as requested, statutory fiscal reporting, or other requested protocol to ensure the District will not be liable for the operation of WSCA.

The RA Bylaws will provide for indemnification of the Board, officers, agents, and employees, and RA will purchase general liability insurance, Directors and Officers insurance, and fidelity bonding to secure against financial risks. Insurance types and amounts will be determined by recommendation of the insurance company for the existing school, but shall, at the minimum, be the amounts identified in the charter. The SBE will be named an additional insured on the general liability insurance of WSCA.
SECTION XIII – CLOSURE PROTOCOL

“A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to ensure the disposition of all assets and liabilities of the charter school, including disposing of any net assets and for the maintenance and transfer of student records.”

– California Education Code § 47605(b)(5)(P)

We do not expect WSCA to close. However, in the event of WSCA closing, we will work with SBE and our outside auditors to ensure the preparation of the closing audit and the disposition of net assets and liabilities. Immediate notification will be provided to SBE regarding any consideration of closure.

Consistent with 5 CCR 11962, the following procedures will apply in the event WSCA closes, regardless of the reason for closure:

**Closure of the Charter School will be documented by official action of the Board of Directors. The action will identify the reason for closure. The official action will also identify an entity and person or persons responsible for closure-related activities.**

The Board of Directors will promptly notify parents and students of the Charter School, the State Board of Education, County Office of Education, the Charter School’s SELPA, the retirement systems in which the Charter School’s employees participate (e.g., Public Employees’ Retirement System, State Teachers’ Retirement System, and federal social security), and the California Department of Education of the closure as well as the effective date of the closure. This notice will also include the name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure; the pupils’ school districts of residence; and the manner in which parents/guardians may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.

The Board will ensure that the notification to the parents and students of the Charter School of the closure provides information to assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the Board’s decision to close the Charter School.

The Board will also develop a list of pupils in each grade level and the classes they have completed, together with information on the pupils’ districts of residence, which they will provide to the entity responsible for closure-related activities.

As applicable, the Charter School will provide parents and students with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act (“FERPA”) 20 U.S.C. § 1232g. All state assessment results, special education records, and personnel records will be transferred to and maintained by the entity responsible for closure-related activities in accordance with applicable law.
As soon as reasonably practical, the Charter School will prepare final financial records. The Charter School will also have an independent audit completed within six months after closure. The Charter School will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by the Charter School and will be provided to the State Board of Education and California Department of Education promptly upon its completion. The final audit will include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to the Charter School.

The Charter School will complete and file any annual reports required pursuant to Education Code section 47604.33.

On closure of the Charter School, all assets of the Charter School, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending the Charter School, remain the sole property of the Charter School and shall be distributed in accordance with the Articles of Incorporation upon the dissolution of the non-profit public benefit corporation to a nonprofit fund, foundation, or association which is organized and operated exclusively for educational, public or charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any assets acquired from RUSD or RUSD property will be promptly returned upon Charter School closure to the District. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

On closure, the Charter School shall remain solely responsible for all liabilities arising from the operation of the Charter School.

As the Charter School is operated as a non-profit public benefit corporation, should the corporation dissolve with the closure of the Charter School, the Board will follow the procedures set forth in the California Corporations Code for the dissolution of a non-profit public benefit corporation and file all necessary filings with the appropriate state and federal agencies.
The Charter School will utilize the reserve fund to undertake any expenses associated with the closure procedures identified above.

- Closure of WSCA will be documented by official action of the Board. The action will identify the reason for closure. The Board will promptly notify the chartering agency entity of the closure and of the effective date of the closure.
- The Board will be responsible for communication of closure to students, parents, and staff. The Board will ensure notification to the parents and students of WSCA of the closure and to provide information to assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the Board's decision to close WSCA.
- As applicable, WSCA will provide parents, students and the chartering agency entity with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act ("FERPA") 20 U.S.C. § 1232g. For student records, we will work with RUSD_SBE to ensure that records for current students are delivered to the district of residence for those students. For alumni/alumnae, we would store records at RA assuming RA is still operating other schools, if not, then at the PCOE. For personnel records, RA will hold these records after closure of WSCA.
- As soon as reasonably practical, WSCA will prepare final financial records. WSCA will also have an independent audit completed as soon as reasonably practical, which period is generally no more than six months after closure. The final audit will include an accounting of all financial assets, including cash and accounts receivable, and an inventory of property and equipment and other items of material value, as well as an accounting of all liabilities, including accounts payable, and any reduction in apportionments as a result of audit findings, loans, unpaid staff compensation etc. WSCA will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by WSCA and will be provided to the chartering agency entity promptly upon its completion.
- On closure of WSCA, all assets and liabilities of WSCA held by RA, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending WSCA, remain the sole property and obligation of RA and will be distributed in accordance with the Articles of Incorporation upon the dissolution of the nonprofit public benefit corporation to another public educational entity. On closure, RA will remain solely responsible for all liabilities arising from the operation of WSCA.
- As WSCA is operated by a nonprofit public benefit corporation, should the corporation dissolve with the closure of WSCA, the Board will follow the procedures set forth in the California Corporations Code for the dissolution of a nonprofit public benefit corporation and file all necessary filings with the appropriate state and federal agencies.
SECTION XIV– MISCELLANEOUS

Administrative Services

WSCA will receive administrative services through the Placer County Office of Education in the same manner that Rocklin Academy two existing schools are served.

Mandated Costs

In order to meet the health, safety, and public accountability requirements of all public school children at WSCA, the Charter School shall comply with the following state-mandated programs:

- Annual Parent Notifications
- Clean School Restrooms
- Comprehensive School Safety Plans
- Criminal Background Checks
- Graduation Requirements
- Open Meetings Act/Brown Act
- Immunization Records
- Parent Conferences and Notification- Students in danger of Failing a Course
- Physical Performance Tests
- Pupil Promotion and Retention as applicable to Grade 7-12
- School Accountability Report Cards
- Scoliosis Screenings
- Standardized Testing and Reporting
- Student Records
- The Stull Act – Teacher Evaluations

It is the expressed intent of WSCA to comply with all of the aforementioned mandates and file directly for reimbursements where permitted. If a reimbursement claim can only be filed through the sponsoring district, the sponsoring district agrees to fold the Charter School claim into its claim and pass through 100% of the Charter School direct costs with 30 days of receipt by the sponsoring district. The sponsoring district shall be entitled to keep the indirect cost rate for all Charter School claims so combined.

Eligible expenses which the sponsoring district incurs as a result of current charter school law, subsequent charter school legislation, or CDE interpretations of these laws are not the responsibility of the Charter School and should be addressed by the sponsoring district through the State’s Mandated Cost Reimbursement Program’s Charter School claims.

Facilities

Proposition 39/WSCA Facilities

WSCA will provide classroom instruction at one facility within the RUSD boundaries and, as applicable, will notify SBE of any change of number or location of facilities as required by Education Code § 47605(a)(4).

WSCA will be requesting a single contiguous facility from RUSD under the provisions of Proposition 39. As discussed in Section III, Educational Philosophy and Program, a contiguous facility is an important
element of WSCA educational program, contributing to academic performance and providing socioemotional benefits to students. The two locations identified as possible locations for WSCA are Rocklin High School or Whitney High School. WSCA believes that the opportunity exists for facility options beyond those mandated by Proposition 39 that would be to the benefit of students attending WSCA and RUSD, and benefiting the community as a whole. WSCA is open to discussing options with RUSD and other possible interested parties.

See Appendix 30 for a description of the expected facilities requirements.

In the event that Proposition 39 facilities are accepted by WSCA, a Facilities Use Agreement will be negotiated between the parties for purposes of space provided by RUSD under Proposition 39. The offering of the facilities by RUSD and acceptance of the facilities by WSCA will fulfill the requirement for making a material change to the Charter.

Transportation

WSCA is a school of choice and therefore it will be the responsibility of parents/guardians to provide transportation of students to and from the school.

Renewal of Charter

SBE agrees to receive and review the annual fiscal audit and Performance Report as specified in Section XI. Within two months of the receipt of these Annual Reports, SBE will notify, in writing, the Board if it does not consider the school to be making satisfactory progress relative to the goals specified in this Charter. This notification will include a specific listing and description of any areas of concern.

WSCA may request from SBE a renewal, material revision, or amendment of the Charter at any time prior to expiration. A renewal request should be presented by WSCA no later than 120 days prior to the expiration of the Charter. The SBE agrees to hear and render a decision regarding a renewal, material revision, or amendment to the Charter pursuant to the criteria and standards as specified in the Charter Schools Act, Education Code § 47605.

Term of the Charter

The term of the WSCA charter will be five years from the first day WSCA commences classes eligible for apportionment. WSCA and the chartering entity agree to work together to accomplish all tasks necessary to fully implement this charter, including, but not limited to, the submission of any necessary and prepared waiver requests to the State Board of Education.

Severability

If any provision or any part of this agreement is for any reason held to be invalid and/or unenforceable, or contrary to public policy, law, or statute and/or ordinance, the remainder of this agreement will not be affected thereby and will remain valid and fully enforceable.
Attachments

The documents and materials attached to this charter petition (e.g., appendices) are for informational purposes only and are not part of the charter except as noted in the charter.
SECTION XV— CONCLUSION

By approving this charter, SBE will be fulfilling the intent of the Charter Schools Act to improve pupil learning; increase learning opportunities for all pupils with special emphasis on expanding learning opportunities for all pupils who are identified as academically low achieving; create new professional opportunities for teachers; and provide parents and pupils with expanded choices in education and following the directive of law to encourage the creation of Charter Schools. The Petitioners are eager to work independently, yet cooperatively with the District to set the highest standard for what a charter school should and can be. To this end, the Petitioners pledge to work cooperatively with the District to answer any concerns over this document and to present the District with the strongest possible proposal for approval. Timely approval of the charter petition is needed for the charter to begin operations in the fall of 2009.
Appendix 1: "Learning for Tomorrow's World" First Results from PISA 2003
Appendix 2: "Closing the Achievement Gap" Report by Ed-Trust West
Appendix 5: Strategic Plan – Rocklin Academy
Appendix 6: Articles of Incorporation - Rocklin Academy
Appendix 7: Bylaws – Rocklin Academy
Appendix 8: Resumes – Executive Team for Rocklin Academy
Appendix 9: Research on the Benefits of Small Schools
Appendix 10: Concurrent Enrollment at Sierra College and Sacramento State University
Appendix 11: Research paper: "The Interaction Effect of Transition Grade to High School with Gender and Grade Level upon Drop Out Rates" By John Alspaugh
Appendix 12: "Grade Configuration: Who Goes Where" By Catherine Paglin and Jennifer Fager
Appendix 14: WSCA Student Handbook
Appendix 15: Core Knowledge Curriculum Sequence for grades seven and eight
Appendix 16: A comparison of Core Knowledge and California State Standards
Appendix 17: Research on the effectiveness of Core Knowledge
Appendix 18: University of Cambridge, AICE and CIE Examinations
Appendix 19: "What Is A 'Professional Learning Community?'" By Richard DuFour
Appendix 20: Four Year College Handbook – Pacific Collegiate School
Appendix 21: Reference Material: Performance Based Organizations
Appendix 22: Job Descriptions – Rocklin Academy Executive Team Members
Appendix 23: Organizational Chart – WSCA Staff
Appendix 24: Standards for National Staff Development Council
Appendix 25: Faculty training for Advanced Placement, Core Knowledge, and Cambridge Universi
Appendix 26: WSCA Sexual Harassment Policy (draft)
Appendix 27: Procedures for Suspension or Expulsion
Appendix 28: Support letter from Placer County Office of Education
Appendix 29: Projected First Year Budget, Start Up Costs, Cash Flow and Financial Projections
Appendix 30: Expected Facility Requirements
Appendix 31: Impact Statement
Appendix 32: WSCA Parent Contract
Appendix 33: Sample Course Syllabus and Supplemental Materials
Appendix 34: The Map of Standards for English Language Learners
Appendix 35: Placer County SELPA 504 Handbook
Appendix 36: Rocklin Unified School District’s Statement of Reasons (1/16/08)
Appendix 37: Rocklin Academy’s Response to Statement of Reasons (1/16/08)
Appendix 38: Letter of Submission for revised WSCA Charter
Appendix 39: WSCA Course Guide
Appendix 41: MOU Between RUSD and RA (Including Special Education)
### Table 1. 2011 Demographic Data

<table>
<thead>
<tr>
<th>School Name</th>
<th>Western Sierra Collegiate Academy</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>31765700119487</td>
</tr>
<tr>
<td>Student Enrollment</td>
<td>228</td>
</tr>
<tr>
<td>% Black or African American</td>
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<tr>
<td>% American Indian or Alaska Native</td>
<td>0.9</td>
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<td>% Asian</td>
<td>11.8</td>
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<tr>
<td>% Filipino</td>
<td>5.3</td>
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<td>12.7</td>
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<td>0</td>
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<tr>
<td>% White</td>
<td>62.7</td>
</tr>
<tr>
<td>% Two or More Races</td>
<td>6.1</td>
</tr>
<tr>
<td>% Socioeconomically Disadvantaged</td>
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</tr>
<tr>
<td>% English Learners</td>
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</tr>
<tr>
<td>% Students with Disabilities</td>
<td>3.5</td>
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Data source used "DMDSQL1.EDdemo2.vwSSIDenroll"
Table 2. 2011 Truancy, Suspension, and Expulsion Data

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<thead>
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<th>School Name</th>
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</thead>
<tbody>
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<td>CDS Code</td>
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</tr>
<tr>
<td>Enrollment</td>
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</tr>
<tr>
<td>Truancy Number (Rate)</td>
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</tr>
<tr>
<td>Suspension Number (Rate)</td>
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<tr>
<td>Expulsion Number (Rate)</td>
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Data source was a provided spreadsheet "umirs1011.xls"
## Table 3. Academic Performance Index (API) Growth

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<tbody>
<tr>
<td>CDS Code</td>
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<tr>
<td>API Growth for 2010-11</td>
<td>21</td>
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<tr>
<td>API Growth for 2009-10</td>
<td>B</td>
</tr>
<tr>
<td>API Growth for 2008-09</td>
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<tr>
<td>API Growth for 2007-08</td>
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</table>

Data source used "API08gdb.dbf, API09gdb.dbf, API10gdb.dbf, API11gdb.dbf"
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</thead>
<tbody>
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<td>CDS Code</td>
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<tr>
<td>Valid Scores Schoolwide</td>
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</tr>
<tr>
<td>Schoolwide</td>
<td>893(21)</td>
</tr>
<tr>
<td>Black or African American</td>
<td>-</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>-</td>
</tr>
<tr>
<td>Asian</td>
<td>907(-)</td>
</tr>
<tr>
<td>Filipino</td>
<td>-</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>-</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>-</td>
</tr>
<tr>
<td>White</td>
<td>867(35)</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>-</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>807(-)</td>
</tr>
<tr>
<td>English Learners</td>
<td>-</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>-</td>
</tr>
<tr>
<td>Statewide/Similar Schools Rank</td>
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Data source used, "API11gdb.dbf, API10db.dbf"

- The Growth API is not displayed when there are less than 11 valid scores
- The student group is not numerically significant, therefore no growth determination was made
Table 5. 2011 Adequate Yearly Progress (AYP) Data

<table>
<thead>
<tr>
<th>School Name</th>
<th>Western Sierra Collegiate Academy</th>
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<tbody>
<tr>
<td>CDS Code</td>
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<tr>
<td>Met AYP Criteria</td>
<td>Yes</td>
</tr>
<tr>
<td># Criteria Met/# Criteria Applicable</td>
<td>9/9</td>
</tr>
<tr>
<td>2011-12 Program Improvement (PI) Status</td>
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<tr>
<td>2011-12 Program Improvement (PI) Year</td>
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Data source used, "APR11adb.dbf, schlpi11.dbf"
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<thead>
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<th>School Name</th>
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</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>31765700119487</td>
</tr>
<tr>
<td>Number of Valid Scores Schoolwide</td>
<td>168</td>
</tr>
<tr>
<td>Schoolwide (Met Target)</td>
<td>85.7(Yes)</td>
</tr>
<tr>
<td>Black or African American (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>American Indian or Alaska Native (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Asian (Met Target)</td>
<td>93.8(--)</td>
</tr>
<tr>
<td>Filipino (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Hispanic or Latino (Met Target)</td>
<td>81.8(--)</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>White (Met Target)</td>
<td>85.4(Yes)</td>
</tr>
<tr>
<td>Two or More Races (Met Target)</td>
<td>92.9(--)</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>English Learners (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Students with Disabilities (Met Target)</td>
<td>-</td>
</tr>
</tbody>
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Data source used, "APR11adb.dbf, schlpl11.dbf"

-- Percent proficient is not displayed when there are less than 11 valid scores
(--) The student group is not numerically significant, therefore no AYP determination was made
### Table 7. 2011 Adequate Yearly Progress (AYP) Data: Percent Proficient in Mathematics

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>CDS Code</td>
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</tr>
<tr>
<td>Number of Valid Scores Schoolwide</td>
<td>167</td>
</tr>
<tr>
<td>Schoolwide (Met Target)</td>
<td>72.5(Yes)</td>
</tr>
<tr>
<td>Black or African American (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>American Indian or Alaska Native (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Asian (Met Target)</td>
<td>93.3(--</td>
</tr>
<tr>
<td>Filipino (Met Target)</td>
<td>-</td>
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<tr>
<td>Hispanic or Latino (Met Target)</td>
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<td>Native Hawaiian or Pacific Islander (Met Target)</td>
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<tr>
<td>White (Met Target)</td>
<td>69.9(Yes)</td>
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<tr>
<td>Two or More Races (Met Target)</td>
<td>71.4(--</td>
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<tr>
<td>Socioeconomically Disadvantaged (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>English Learners (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Students with Disabilities (Met Target)</td>
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</tr>
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</table>

Data source used, "APR11adb.dbf, schlpi11.dbf"

-- Percent proficient is not displayed when there are less than 11 valid scores

(--) The student group is not numerically significant, therefore no AYP determination was made.
## Table 8. High School Academic Data

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</thead>
<tbody>
<tr>
<td>CDS Code</td>
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</tr>
<tr>
<td>ELA/Math Number Tested</td>
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</tr>
<tr>
<td>School wide ELA/Math</td>
<td>100.0/100.0</td>
</tr>
<tr>
<td>Black or African American ELA/Math</td>
<td>-</td>
</tr>
<tr>
<td>American Indian or Alaska Native ELA/Math</td>
<td>-</td>
</tr>
<tr>
<td>Asian ELA/Math</td>
<td>0/0</td>
</tr>
<tr>
<td>Filipino ELA/Math</td>
<td>0/0</td>
</tr>
<tr>
<td>Hispanic or Latino ELA/Math</td>
<td>0/0</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander ELA/Math</td>
<td>-</td>
</tr>
<tr>
<td>White ELA/Math</td>
<td>100.0/100.0</td>
</tr>
<tr>
<td>Two or More Races ELA/Math</td>
<td>0/0</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged ELA/Math</td>
<td>-</td>
</tr>
<tr>
<td>English Learners ELA/Math</td>
<td>-</td>
</tr>
<tr>
<td>Students with Disabilities ELA/Math</td>
<td>-</td>
</tr>
<tr>
<td>Cohort Graduation Rate</td>
<td>-</td>
</tr>
<tr>
<td>Cohort Dropout Rate</td>
<td>-</td>
</tr>
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</table>

Data source used: "CAHSEE2011.txt, EdData.txt"

English Language Arts (ELA)
SUBJECT

Long Valley Charter School: Consider Issuing a Notice of Violation Pursuant to California Education Code Section 47607(d).

SUMMARY OF THE ISSUES

The California Department of Education (CDE) believes that Long Valley Charter School (LVCS) has committed material violations of the conditions, standards, and/or procedures set forth in the charter and has violated provisions of law. As a result, the CDE recommends the issuance of a Notice of Violation, draft provided as Attachment 1, pursuant to California Education Code (EC) Section 47607(d) to allow LVCS with a reasonable opportunity to remedy the identified violations.

RECOMMENDATION

The CDE recommends that the State Board of Education (SBE) issue a Notice of Violation, draft letter provided as Attachment 1, pursuant to EC Section 47607(d) because the CDE believes that LVCS has committed material violations of the conditions, standards, and/or procedures set forth in the charter and has violated EC Section 47605(l). The CDE has sought to address violations through Notices of Concern. To date, LVCS continues to operate in violation of the charter petition despite the CDE’s continued requests to operate within the framework of the charter petition that was approved by the SBE on July 14, 2010.

Pursuant to EC Section 47607(d) and California Code of Regulations, Title 5 (5 CCR) Section 11968.5.2, the CDE also recommends that LVCS have the opportunity to present evidence that refutes, remedies, or proposes to remedy the alleged violations at the April 11, 2012, meeting of the Advisory Commission on Charter Schools (ACCS). The CDE recommends that the ACCS make a recommendation to the SBE regarding whether, at the May 2012 meeting of the SBE, the SBE should issue a Notice of Intent
RECOMMENDATION (Cont.)

to Revoke pursuant to EC Section 47607(e) to LVCS.

Relevant excerpts from statute, as well as SBE history, are provided as Attachment 7.

Advisory Commission on Charter Schools Discussion and Recommendations

The ACCS met on February 8, 2012, and considered an item that included consideration of the issuance of a Notice of Violation and the consideration of a request from LVCS to materially revise the charter petition. The ACCS voted unanimously to approve the CDE’s recommendations to the SBE that it issue a Notice of Violation, and the ACCS also voted unanimously to hold a public hearing to deny the request for material revision. The ACCS also clarified that LVCS would be given the opportunity at the April 2012 ACCS meeting to demonstrate efforts to come into compliance with the petition and MOU as well as submit a revised request for material revision to the charter petition as part of the Notice of Violation process.

On February 17, 2012, the CDE met with representatives from LVCS to discuss LVCS efforts to come into compliance with the terms of the petition and MOU and to revise its request for a material revision of its charter petition. Following the meeting, LVCS withdrew the current request for material revision of its charter in order to address the concerns in the CDE recommendation and the ACCS discussion with plans to resubmit a revised request for material revision to be considered at the April 2012 ACCS and the May 2012 SBE meetings.

BRIEF HISTORY OF KEY ISSUES

NOTICE OF VIOLATION

According to EC Section 47607(c), a charter may be revoked by the authority that granted the charter if the authority finds substantial evidence that the charter school---

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

(2) Failed to meet or pursue any of the pupil outcomes identified in the charter;

(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement; or

(4) Violated any provision of the law.

The CDE believes that evidence exists to support the finding that LVCS committed material violations and violated other provisions of law. EC Section 47607(d) provides that prior to revocation, the authority that granted the charter shall notify the charter
BRIEF HISTORY OF KEY ISSUES (Cont.)

school of any violation of EC Section 47607 and give the charter school a reasonable opportunity to remedy the violation.

Violations of the Conditions of the Charter (EC Section 47607[c][1])

• **Resource Centers:** In the petition originally submitted to the SBE for approval in July 2010, LVCS provided a description of an independent study program that made no mention of separate resource centers, and tied the operation of the independent study program to the resources at the K–8 site in Doyle. The petition listed the address of the Doyle site as its only location. A condition of opening placed on LVCS by the SBE at the time of approval was that the petition include “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.” The original petition and these conditions are provided as Attachment 4.

In the 2010–11 and 2011–12 school years, LVCS operated and continues to operate resource centers for their non-classroom-based program without the prior written approval of the Executive Director of the SBE, as required by the SBE Conditions on Opening and Operation. The CDE sent LVCS a Notice of Concern on June 20, 2011, regarding these resource centers to which LVCS responded with a request for a material revision of its charter to include the resource centers. The CDE scheduled a material revision request for the September 28, 2011, ACCS meeting and the November 9, 2011, SBE meeting. After the agenda item was posted for the ACCS meeting, LVCS withdrew the material revision request on September 28, 2011, and requested it be postponed to a later meeting.

A second Notice of Concern was issued on October 18, 2011, to which LVCS responded with a second request for a material revision of its charter to include the resource centers, which is provided as Attachment 1.

Other than submitting a material revision request, LVCS has failed to address this concern.

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2. In addition, on August 12, 2010, the LVCS board approved the purchase of 112 acres of undeveloped land, which may have been owned by an LVCS employee, who may have had a financial interest in the transaction.

In response to the CDE’s concerns regarding actions taken by the LVCS governing board, on October 27, 2011, LVCS delivered a request for a material revision of the charter that also included information about board trainings and a board evaluation conducted by an outside contractor. However, the CDE did not find evidence that all board members participated in the training or that the training included information about conflict of interest or the Brown Act, as handouts included in the binder advised that each state had different laws regarding open meetings. The handouts did not specifically reference any California law. In addition, the recommendations made by the outside contractor included, among other things, the need for internal fiscal controls and greater transparency regarding board actions. However, as of January 26, 2012, no evidence has been provided that the LVCS board acted to address any of the findings made by the outside evaluator.

- **Fiscal Capacity**: The LVCS petition describes a position of Financial Director/Business Advisor who acts as co-director and controller of all financial activities, as well as other duties. LVCS released its Financial Director/Business Advisor on October 19, 2010. LVCS has contracted for outside services that address some of the duties assigned to this position, but to date has not filled this position. In a letter of response dated July 22, 2011, LVCS describes the redistribution of fiscal duties to other personnel, including the education director. However, the CDE has serious concerns regarding a lack of fiscal capacity as it seems unreasonable that one staff member can effectively conduct the duties of education director and much of the fiscal director. In addition, the CDE is concerned that the LVCS staff and/or governing board has sufficient oversight of or accountability to the back office provider.
BRIEF HISTORY OF KEY ISSUES (Cont.)

- **Teacher Qualifications:** The LVCS petition states LVCS “shall comply with all applicable portions of the No Child Left Behind Act [NCLB],” and that “all LVCS current teachers have completed ELD course work or testing (SDAIE) to be able to instruct English Learners.” In response to inquiries from the CDE, LVCS has been providing evidence for determining if teachers are highly qualified. As of January 26, 2012, the CDE has determined that some LVCS teachers are not properly credentialed, highly qualified, and/or authorized to teach English learners. Specifically, the CDE finds evidence that –

  a. Some, but not all, LVCS teachers have an English learner authorization.

  b. Of the six teachers who are assigned to the site-based K–8 setting, no one is highly qualified to teach Algebra.

  c. Of the 21 teachers who teach independent study to grades kindergarten through twelve, it appears that 12 are properly credentialed and highly qualified to teach grades kindergarten through eight (K–8); however these 12 teachers may not be highly qualified for any classes in grades nine through twelve.

  d. There may not be highly qualified math teachers in grades nine through twelve at each resource center.

The CDE continues to receive materials from LVCS regarding teacher qualifications, including the statement that LVCS is using a collaborative independent study model to ensure highly qualified teachers. However, the CDE has not yet been able to resolve these issues and/or determine if the program offered matches the collaborative model as described.

- **Independent Study Program:** The independent study educational program described in the LVCS petition relies on students’ access to resources at the LVCS site-based program. Program objectives described in the petition include sharing the on-site resources after school hours, sharing community outreach programs and assemblies, and participating in extracurricular activities at the site-based Long Valley Charter School. LVCS has enrolled students who are not in reasonable proximity to the LVCS campus and cannot reasonably utilize the resources described in the petition for independent study students. In addition, it is not clear whether the teachers administering the independent study program have access to the teacher training and development activities described in the petition.

In response to the CDE’s letters of concern, LVCS submitted a request for a material revision of its charter to seek authorization to operate independent study
resource centers separate from the facility in Doyle, where the site-based program is located. At this time, LVCS withdrew its request for a material revision and has informed the CDE that it plans to resubmit a request for a material revision at the April ACCS and May SBE meetings.

Violations of Law (EC Section 47607[c][4])

- **Teacher Credentials:** In addition to issues regarding whether teachers are deemed highly qualified under the Elementary and Secondary Education Act, the CDE is concerned that not all LVCS teachers possess the proper certificates or permits required by EC Section 47605(l). The CDE has been unable to verify the credential of at least one teacher and has been unable to verify whether English learner pupils have been assigned to teachers who have authorization to teach English learners.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE authorized LVCS on appeal of nonrenewal on July 14, 2010. The SBE agenda item, attachments, and minutes can be found on the SBE July 2010 Web page at [http://www.cde.ca.gov/be/ag/ag/main201007.asp](http://www.cde.ca.gov/be/ag/ag/main201007.asp) and the agenda item and attachments are as Attachment 4.

Prior to SBE authorization, LVCS had been operating as a conversion charter school in the Fort Sage Unified School District (Fort Sage USD) since 2000. Fort Sage USD granted LVCS a renewal of its petition on November 17, 2004, for a five-year term from 2005 to 2010. The LVCS renewal petition was denied by the Fort Sage USD governing board on January 20, 2010. LVCS submitted an appeal to the Lassen County Board of Education that was denied on March 29, 2010.

FISCAL ANALYSIS (AS APPROPRIATE)

Operation of LVCS, per se, has essentially no fiscal impact on the state as a whole. If affected students were not being served at LVCS, they would most likely be served at another public school. The CDE receives approximately one percent of LVCS’s general purpose and categorical program program revenues for CDE’s oversight activities.
<table>
<thead>
<tr>
<th>ATTACHMENTS</th>
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<tbody>
<tr>
<td>Attachment 1: Draft Letter Dated March 8, 2012, to Cindy Henry, Director, LVCS - Notice of Violation Pursuant to California <em>Education Code</em> Section 47607(d) (6 Pages)</td>
</tr>
<tr>
<td>Attachment 2: Memorandum of Understanding Between Long Valley Charter School and the State Board of Education (69 Pages)</td>
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<tr>
<td>Attachment 3: California State Board of Education July 2010 Agenda Item 19, Including Attachments 1 and 2 (104 Pages)</td>
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<td>Attachment 4: Long Valley Charter School Enrollment (1 Page)</td>
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<td>Attachment 5: 2010–11 Academic Achievement Data: Long Valley Charter School (8 Pages)</td>
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<td>Attachment 6: State Board of Education History Related to Revocation and Relevant Excerpts from Statute (5 Pages)</td>
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</tbody>
</table>
DRAFT LETTER - NOTICE OF VIOLATION
Pursuant to California Education Code Section 47607(d)

STATE OF CALIFORNIA

CALIFORNIA STATE BOARD OF EDUCATION
1430 N Street, Suite 5111
Sacramento, CA 95814
Phone: (916) 319-0827
Fax: (916) 319-0175

DRAFT: March 8, 2012

Cindy Henry, Director
Long Valley Charter School
436-965 Susan Dr.
Doyle, CA 96109

Bill Harkness, President of the Long Valley Charter School Board of Directors
Long Valley Charter School
436-965 Susan Drive
Doyle, CA 96109

Subject: Notice of Violation Pursuant to California Education Code (EC) Section 47607(d)

Dear Ms. Henry and Members of the Long Valley Charter School Board of Directors:

The State Board of Education (SBE) is aware of a number of issues indicating that Long Valley Charter School (LVCS) may have committed material violations of the conditions, standards, and procedures set forth in the charter and may have violated Education Code (EC) Section 47605(l). Specifically, the items of concern are as follows:

Violation of the Conditions of the Charter (EC Section 47607[c][1])

- **Resource Centers:** In the petition originally submitted to the SBE for approval in July 2010, LVCS provided a description of an independent study program that made no mention of separate resource centers, and tied the operation of the independent study program to the resources at the K–8 site in Doyle. The petition listed the address of the Doyle site as its only location. A condition of opening placed on LVCS by the SBE at the time of approval was that the petition include "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
Draft Letter - Notice of Violation
Pursuant to California Education Code Section 47607(d)

Executive Director of the SBE. The original petition and these conditions are provided as Attachment 4.

In the 2010–11 and 2011–12 school years, LVCS operated and continues to operate resource centers for their non-classroom-based program without the prior written approval of the Executive Director of the SBE, as required by the SBE Conditions on Opening and Operation. The CDE sent LVCS a Notice of Concern on June 20, 2011, regarding these resource centers to which LVCS responded with a request for a material revision of its charter to include the resource centers. The CDE scheduled a material revision request for the September 28, 2011, ACCS meeting and the November 9, 2011, SBE meeting. After the agenda item was posted for the ACCS meeting, LVCS withdrew the material revision request on September 28, 2011, and requested it be postponed to a later meeting.

A second Notice of Concern was issued on October 18, 2011, to which LVCS responded with a second request for a material revision of its charter to include the resource centers.

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DRAFT LETTER - NOTICE OF VIOLATION
Pursuant to California Education Code Section 47607(d)

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Pursuant to California Code of Regulations, Title 5, Section 11968.5.2, if the LVCS governing board chooses to respond, it shall take the following actions:

(1) Submit to the SBE a detailed, written response addressing each identified violation which shall include the refutation, remedial action taken, or proposed remedial action by the charter school specific to each alleged violation. The written response shall be due by the end of the remedy period identified in the Notice of Violation.
DRAFT LETTER - NOTICE OF VIOLATION
Pursuant to California Education Code Section 47607(d)

(2) Attach to its written response supporting evidence of the refutation, remedial action, or proposed remedial action, if any, including written reports, statements, and other appropriate documentation.

Failure to provide substantial evidence that refutes, remedies, or proposes to remedy the alleged violations may provide grounds sufficient to form the basis for an action to revoke the LVCS charter pursuant to EC Section 47607(c). On May 9, 2012, the SBE in a public hearing will consider whether there is substantial evidence to refute or remedy each alleged violation, at which time it may issue a Notice of Intent to Revoke, pursuant to EC Section 47607(e). If the SBE issues a Notice of Intent to Revoke, the SBE will hold a public hearing on May 10, 2012, at which time the SBE will determine whether sufficient evidence exists to revoke LVCS’s charter. This letter serves as a formal Notice of Violation, pursuant to EC Section 47607(d) and California Code of Regulations, Title 5, Section 11968.5.2, and provides LVCS a reasonable period in which to address these concerns.

A written response and supporting evidence addressing each of the above-outlined issues must be received by Sue Burr, Executive Director, SBE at 1430 N Street, Ste. 5111, Sacramento, CA, 95814 no later than the close of business (5:00 p.m. Pacific Standard Time) April 3, 2012.

If you have any questions regarding this subject, please contact Sue Burr, Executive Director, California State Board of Education, by phone at 916-319-0827 or by e-mail at sburr@cde.ca.gov.

Sincerely,

Dr. Michael Kirst, President
California State Board of Education
MK:bg
<table>
<thead>
<tr>
<th>Authorized Enrollment Capacity (Initial Enrollment +/- 25%)</th>
<th>Percent Over Authorized Enrollment Capacity</th>
<th>Enrollment</th>
<th>Date</th>
<th>Method Reported</th>
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<tr>
<td>340</td>
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<td>272</td>
<td>July 14, 2010</td>
<td>Petition as submitted to SBE for authorization</td>
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<td>315</td>
<td>October 31, 2010</td>
<td>First 20 day apportionment report</td>
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<td>Enrollment based on attendance reports submitted to the CDE as backup documentation for Period 1 apportionment reporting, submitted December 2010</td>
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<td>Enrollment based on attendance reports submitted to the CDE as backup documentation for Period 2 apportionment reporting, submitted April 2011</td>
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<tr>
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<td>Enrollment as provided by LVCS’s back office provider</td>
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<td>June 30, 2011</td>
<td>Projected 2011–12 enrollment submitted with LVCS preliminary budget</td>
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<td>Estimated enrollment per e-mail from Ms. Henry</td>
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<td>January 2012</td>
<td>Enrollment per phone call with Ms. Henry</td>
</tr>
</tbody>
</table>
State Board of Education History Related to Revocation
and Relevant Excerpts from Statute

Since the inception of charter law in California, the State Board of Education (SBE) has acted four times to issue written notices pursuant to Education Code (EC) Section 47607(d) to charter schools authorized by the SBE.

In two of these cases, the charter schools successfully remedied the violations in the written notices and the SBE subsequently renewed the charters of both schools. Both of these charter schools continue to operate as SBE-authorized charter schools.

In one case, the charter school voluntarily closed prior to the SBE’s consideration of evidence that may have remedied the violations.

In one case, the SBE acted to revoke the charter school.

Excerpt from Education Code Section 47607: Charter term; renewal; criteria; material revision of charter; revocation

(c) 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:

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

2. Failed to meet or pursue any of the pupil outcomes identified in the charter.

3. Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.

4. Violated any provision of law.

(d) Prior to revocation, the authority that granted the charter shall notify the charter public school of any violation of this section and give the school a reasonable opportunity to remedy the violation, unless the authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

(e) Prior to 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.

Excerpts from California Code of Regulations, Title 5

Article 2. General Provisions
Excerpts from Section 11965: Definitions.

For the purposes of Articles 1, 2 and 2.5, the following definitions shall apply:

…. 

(a)(3) “State chartering authority” is the State Board of Education (SBE) when the SBE has granted a school’s charter. The SBE acts as a state chartering authority when it approves the operation of a charter school that has been denied by a local educational agency (LEA) and when it approves the operation of a state charter school pursuant to Education Code section 47605.8.

(b) “Final Decision” means the final written decision of the chartering authority to either revoke or decline to revoke a school’s charter.

(c) “Notice of Appeal” means a written document notifying the county board of education or the SBE, as appropriate, that the charter school’s governing body as described in the school’s charter, or the district chartering authority is appealing the decision to revoke or reverse the revocation of a school’s charter.

(d) “Notice of Intent to Revoke” means the written notice of a chartering authority’s decision to pursue revocation of a school’s charter due to the charter school’s failure to remedy one or more violations identified in the Notice(s) of Violation. This notice shall identify all of the following:

(1) All evidence relied upon by the chartering authority in determining that the charter school failed to remedy a violation pursuant to this section;

(2) The date and time at which the chartering authority will hold a public hearing concerning revocation, which shall be held no more than 30 calendar days after the chartering authority issues this notice.

…. 
(f) "Notice of Violation" means the written notice of a chartering authority’s identification of one or more specific alleged violations by the charter school based on the grounds for revocation specified in Education Code section 47607(c). This notice shall identify all of the following:

1. The charter school’s alleged specific material violation of a condition, standard, or procedure set out in the school’s charter pursuant to Education Code section 47607(c)(1); the specific pupil outcome(s) identified in the school’s charter that the charter school allegedly failed to meet or pursue pursuant to Education Code section 47607(c)(2); the charter school’s alleged fiscal mismanagement or specific failure to follow generally accepted accounting principles pursuant to Education Code section 47607(c)(3); or the specific provision(s) of law that the charter school allegedly failed to follow pursuant to Education Code section 47607(c)(4), as appropriate.

2. All evidence relied upon by the chartering authority in determining the charter school engaged in any of the acts or omissions identified in subdivision (f)(1) including the date and duration of the alleged violation(s), showing the violation(s) is/are both material and uncured, and that the alleged violation(s) occurred within a reasonable period of time before a notice of violation is issued; and

3. The period of time that the chartering authority has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). In identifying the time period that will serve as the charter school’s reasonable opportunity to remedy the identified violation(s), the chartering authority shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school’s estimation as to the anticipated remediation time.

(i) “School’s charter” is the document approved by the chartering authority, including any material revisions that have been approved by the chartering authority.

Section 11968.5.2: Charter Revocation.
This section sequentially sets forth procedures the chartering authority and the charter school’s governing body as described in the school’s charter shall complete for the revocation of a school’s charter pursuant to Education Code section 47607, except for charter revocation when the violation constitutes a severe and imminent threat to the health or safety of pupils which is subject to section 11968.5.3 rather than this section.

(a) At least 72 hours prior to any board meeting in which a chartering authority will consider issuing a Notice of Violation, the chartering authority shall provide the charter school with notice and all relevant documents related to the proposed action.
(b) The chartering authority shall deliver a Notice of Violation to the charter school’s governing body as described in the school’s charter.

(c) Upon receipt of a Notice of Violation, the charter school’s governing body as described in the school’s charter, if it chooses to respond, shall take the following actions:

(1) Submit to the chartering authority a detailed, written response addressing each identified violation which shall include the refutation, remedial action taken, or proposed remedial action by the charter school specific to each alleged violation. The written response shall be due by the end of the remedy period identified in the Notice of Violation.

(2) Attach to its written response supporting evidence of the refutation, remedial action, or proposed remedial action, if any, including written reports, statements, and other appropriate documentation.

(d) After conclusion of the reasonable opportunity to remedy, the chartering authority shall evaluate the response of the charter school’s governing body as described in the school’s charter response to the Notice of Violation and any supporting evidence, if submitted, and shall take one of the following actions:

(1) If the chartering authority has substantial evidence that the charter school has failed to refute to the chartering authority’s satisfaction, or remedy a violation identified in the Notice of Violation, continue revocation of the school’s charter by issuing a Notice of Intent to Revoke to the charter school’s governing body as described in the school’s charter; or

(2) Discontinue revocation of the school’s charter and provide timely written notice of such action to the charter school’s governing body as described in the school’s charter.

(e) If the chartering authority does not act, as specified in subdivision (d), within 60 calendar days of the conclusion of the remedy period specified in the Notice of Violation, the revocation process is terminated and the Notice of Violation is void.

(f) On the date and time specified in the Notice of Intent to Revoke, the chartering authority shall hold a public hearing concerning revocation. No more than 30 calendar days after the public hearing (or 60 calendar days by written mutual agreement with the charter school) the chartering authority shall issue a Final Decision.

(g) The chartering authority shall provide a copy of the Final Decision to the CDE and its county board of education (unless the county board of education is also the chartering authority), within 10 calendar days of issuing the Final Decision.
(h) If the chartering authority does not act to issue a Final Decision within the timeframe specified in subdivision (f), the revocation process is terminated and the Notice of Intent to Revoke is void.
Memorandum of Understanding

Between the

California State Board of Education,

and

Long Valley Charter School

July 1, 2010 – June 30, 2015
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Introduction

This Memorandum of Understanding (MOU) is made and entered into by and between the California State Board of Education (SBE) and Long Valley Charter School (the School). In this document the SBE and the School shall collectively be referred to as “the parties.”

Purpose of the Memorandum of Understanding

The SBE authorized the School to operate as a California Public Charter School under the State of California Charter Schools Act of 1992 (the Act) on July 14, 2010, by approving the school’s application for charter status. The SBE as the authorizing agency has delegated to the State Superintendent of Public Instruction (SSPI), as director of the California Department of Education (CDE), its obligations to oversee the School under the terms of this MOU, the provisions of the School’s charter, and applicable federal and state laws and regulations. The SBE reserves the right and authority as the authorizing agency to modify any decision made by the SSPI, the CDE, or a designee.

The Act authorizes the creation of charter schools to improve student learning through a variety of means, including increased learning opportunities, innovative teaching methods, expanded choice for parents and pupils, and performance-based accountability.

The SBE recognizes that there are a limited number of matters related to the operation of the School that go beyond the provisions in the School’s charter and acknowledges that the School’s board of directors, governance council, and administrators will operate the School appropriately under the provisions of the charter. This MOU addresses matters that are not covered in the charter and provides guidance on the SBE oversight policies and procedures delegated to the SSPI and CDE. Additionally, this MOU outlines the parties’ agreements governing their respective fiscal and administrative responsibilities and legal relationships. This MOU is inclusive of Appendices A – G.

The SBE’s fundamental concern is to be reasonably assured on a continuing basis that the School’s board of directors, governance council and administrators are:

- Implementing the provisions of the approved charter.
- Adhering to all federal, state, and local laws and regulations that apply to the School.
- Operating the School prudently in all respects.
- Providing a sound education pursuant to California Education Code (EC) sections 47605(b)(5)(A)(i-ii) and the California Academic Content Standards for all of the School’s students.
The CDE will report periodically (annually or as requested or when necessary) to the SBE on the oversight provisions in this MOU.

**Term of the Memorandum of Understanding**

The MOU shall become effective on July 1, 2010, or on the date on which it is fully executed by all parties and shall end on June 30, 2015, unless the School becomes non-operational prior to that date. A school typically becomes non-operational due to non-renewal, revocation, or renewal by a school district.

This MOU shall be reviewed at least annually and may be amended or augmented by addendum at any time with mutual agreement of the parties. Any modification, amendment, or augmentation to this MOU must be in writing and executed by duly authorized representatives of the parties at the time.

- A duly authorized representative of the School is the governing board president, chief executive officer/director of the School, or a designee.
- A duly authorized representative of the SBE is the Executive Director or a designee.

Material amendments to the School’s charter may only be made with the approval of the School’s governing board and will take effect only if approved by the SBE.

This MOU is subject to termination during its term as specified by law or as set forth in this MOU.

**Term of Charter**

The School is a public school that will operate pursuant to a charter authorized by the SBE on July 14, 2010.

The School will be known Long Valley Charter School located at 436-965 Susan Drive, Doyle, CA 94063, and will commence operations between July 1 and September 30, 2009, subject to conditions specified by the SBE that are reflected in this MOU.

The School’s charter was granted for a five-year period ending June 30, 2015. The SBE reserves the right to approve amendments to the charter and/or revoke the charter pursuant to EC Section 47607.
Section 1: Governance and Organizational Management

The School will be operated Long Valley Charter School, which is a California non-profit public benefit corporation pursuant to California law. The School is a separate legal entity and neither the SBE nor the CDE is liable for the debts and obligations of the School, or for claims arising from the performance of acts, errors, or omissions by the School. The SBE reserves the right to appoint a voting member the Long Valley Charter School governing board to represent its interests in accordance with EC Section 47604. The School will use all revenue received from state and federal sources only for the educational services specified in the charter and this MOU for the students enrolled and attending the School. Other funding sources must be used in accordance with applicable federal and state laws and regulations and the terms or conditions of any grant or donation received.

1.1 Organization

The School will have a phone number and e-mail address posted on the School’s Web site and will update the posting immediately whenever the information changes. The School will provide the CDE with the phone numbers and e-mail addresses for the School’s principal contacts and ensure that this information is kept current.

The School will provide the CDE immediate written notice of any change in the School’s directors, officers, or administrators.

1.2 Board of Directors and Establishment of Governance Council

At all times that it is operational, the School will have the following information posted on the School’s Web site and will update the information within 30 days of any changes:

- Articles of Incorporation
- Bylaws approved by the governing board
- Roster and biographies of current governing board members

1.3 Board of Directors and Governance Council Responsibilities

Calendar

The annual calendars of the governing board meetings will be posted on the School’s Web site. The posting is to include information about how students, parents, and community members will be notified of the meetings and the procedures for them to use to address the governing board.
Board of Directors and Governance Council Meetings
The governing board will conduct the public meetings included on the annual calendars, as well as any additional meetings needed to ensure that the governing board is approving and implementing effective policies and procedures for the School. All meetings will be conducted in accordance with the Ralph M. Brown Act requirements (California Government Code [GC] sections 54950-54962). All meeting agendas will be posted on the School’s Web site no less than 72 hours prior to each meeting. All policies, policy changes, and approved meeting minutes will be posted on the School’s Web site no more than 30 days after each meeting.

Brown Act Training
The School will provide Brown Act training to its governing board members and administrative staff prior to the execution of any duties. The School will certify to the CDE annually or after any changes in governing board members or administrative staff that the Brown Act training was provided.

Adoption of Policies and Procedures
The governing board will adopt policies and procedures to guide the operation of the School. All new and/or revised policies and procedures will be posted on the School’s Web site no more than 14 days after their adoption. The policies and procedures will include, but are not limited to, the following:

- **Conflicts of Interest**, including provisions related to nepotism for the governing board, and the School’s employees and contractors, to: (1) ensure that no action taken by an individual or the School results in actual or apparent conflicts of interest; and (2) verify that all governing board members and School administrators have participated in conflict of interest training.

- **Campus Supervision**, including but not limited to, the supervision of students before, during, and after school; student drop-off and pick-up; and procedures for visitors to enter and leave the campus.

- **Discipline Policies**, including but not limited to those in the charter related to offenses for which students may be given detention or may be suspended or expelled. The policies will include the procedures to be followed and the procedures by which parents and students will be informed of the reasons for suspension or expulsion and of their due process rights.

- **Student/Parent Handbook**. Including but not limited to, detailed expectations of student attendance, behavior, and discipline; due process rights for students requiring and/or receiving special education services; consequences of bullying and harassment; due process rights related to suspension and expulsion; a description of both informal and formal student and parent complaint procedures; graduation requirements; and the school calendar and bell schedule. The handbook will include the rights of students and parents/guardians under state and federal laws, including but not limited to,
the federal No Child Left Behind (NCLB) Act as it applies to highly-qualified teachers and the Family Educational Rights and Privacy Act (FERPA). The School will provide a hard copy of the handbook to each family at the beginning of each school year and to new enrollees during registration, as well as posting the current year’s handbook on the School’s Web site.

- **Health and Safety Plans**, the School will have the following information posted on the School’s Web site and will update it whenever there are changes:
  
  - A copy of the health, safety, and emergency plan for students and staff. The plan, at a minimum, will address fire emergencies, earthquakes and other natural disasters, civil disorder, accidents and injuries, intruders on campus, and any other threats to the health and safety of students and staff.

  The School will provide training for staff to respond to emergencies and will conduct routine emergency drills for students and staff.

- **Criminal Records Summaries**—All employees of the School, volunteers who are not parents and who will be performing services that are not under the direct supervision of a School employee, and onsite vendors having unsupervised contact with students will submit to background checks and fingerprinting in accordance with EC Section 45125.1. The School will maintain on file and available for inspection during site visits, evidence that clear criminal records summaries based on criminal background checks conducted for all employees and volunteers were received, and that vendors conducted the required criminal background checks for their employees prior to any unsupervised contact with students. The School will post on the School’s Web site a certification that all employees, volunteers, and vendors had clear criminal records summaries prior to having any unsupervised contact with students.

- **Internal Controls**—The governing board will develop and maintain internal fiscal control policies governing all financial activities that are approved by the governing board. Prior to opening the School and whenever the policies are revised, a copy of the policies and procedures will be submitted to the CDE. The policies and procedures are subject to review during site visits to verify their implementation.

- **Independent Study**—The governing board will develop and maintain policies regarding independent study confirming that all forms and procedures are in compliance with applicable independent study statutes (EC Section 51745 et seq.) and regulations.
1.4 Administration

Application, Admissions, and Enrollment Documentation
The School will have the following information posted on the School’s Web site and will update the posting within 30 days of any changes.

- Descriptions of outreach and recruitment activities conducted to reach target populations
- Application procedures including admissions and enrollment policies and provisions for public random drawings and preferences consistent with the authorized charter
- A copy of application and enrollment forms

Insurance and Risk Management
Before any individuals are employed or property or facilities are acquired or leased, the School will procure from an insurance carrier licensed to do business in the State of California at least the following insurance coverage. The insurance must be kept in full force during the term of the charter.

- **Property Insurance**—Replacement value, if available from the insurance carrier, for all assets listed in the School’s property and consumable inventory. If full replacement coverage is not available, the School will procure property insurance as close to replacement value as possible.

- **General Liability**—At least $2,000,000 per occurrence and $5,000,000 in total general liability insurance providing coverage for negligence, errors, and omissions; educators’ legal liability; abuse and molestation; and employment practices liability of the School, the governing board, officers, agents, employees, and students. The deductible per occurrence will not exceed $20,000 for any and all losses resulting from negligence, errors and omissions of the School, its governing board, officers, agents, employees, or students.

- **Workers’ Compensation**—In accordance with the provisions of the California Labor Code, insurance with statutory limits adequate to protect the School from claims under Workers’ Compensation Acts that may arise from its operation.

- **Automobile Insurance**—coverage appropriate for the type and use of automobiles or other vehicles used for school business including the transportation of students

In addition, the School will institute risk management policies and practices to address reasonably foreseeable incidents.
The School 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 of 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.

The School will provide evidence of insurance coverage to the CDE prior to opening and annually thereafter and will instruct insurance carriers to notify the CDE immediately if the coverage becomes inoperative for any reason. The CDE may request to see evidence of insurance coverage during site visits.

**Exclusive Employer**

The School is deemed the exclusive employer of the School’s employees for purposes of the Educational Employee Relations Act (EERA) under GC Section 3540 et seq. The School will have sole responsibility for the employment, management, discipline, and termination of its employees.

**Employee Handbook**

The School will have an employee handbook that includes, at a minimum, detailed expectations for employee performance and behavior, due process rights of employees related to disciplinary actions including termination, compensation and benefit information, and a description of both informal and formal complaint procedures. All employees will receive a copy of the handbook and updates to it. The School will provide the CDE an electronic or hard copy of the handbook. Updates to the handbook will be made as quickly as possible but no later than the beginning of the school year following changes in policies or procedures.

**Teacher Credentials and Highly Qualified Teacher Requirements**

The School will post on the School’s Web site a certification that all teachers hold a California Commission on Teacher Credentialing (CTC) certificate, permit, or other document equivalent to those required for teachers in other public schools unless otherwise exempted by the Charter Schools Act. The School will certify compliance with the NCLB highly qualified teacher requirements (HQT). The School will have on file evidence that teachers of any NCLB core subject meet the HQR requirements.

**Business Services, Education Management, and Vendor Contracts**

If within the term of the charter, the School contracts with a vendor to provide business services including but not limited to payroll, accounting and budgeting, attendance accounting, fiscal reporting, contract management, or purchasing, the School must provide CDE a copy of its agreement that specifies the exact services to be provided and their cost, the term of the contract, and the School’s provisions
for monitoring the contract to ensure compliance with the contract and quality of service.

Facilities Agreement
No later than 30 days prior to a change in location or facilities, the School will submit a copy of a written signed lease or similar document indicating the School’s right to use the principal school site and any ancillary facilities identified by the School for at least the following year to the CDE. The document must evidence that the facility is adequate for the School’s needs. CDE will conduct a pre-opening site visit regardless of whether the school is locating to a facility provided by a district under EC Section 47614 or a privately-leased facility. (See Appendix B: Pre-opening Site Inspection Checklist for requirements.) Under extraordinary circumstances, such as a change of facilities necessitated by fire or natural disaster, the CDE may waive the pre-opening site visit.

Department of Transportation Review
Prior to signing any lease or similar document, the School will ensure compliance with EC Section 17215 regarding sites located near runways or potential runways.

Zoning and Occupancy
The School will meet all applicable health and fire code requirements and zoning laws. The School will maintain documentation on file of all local approvals including applicable fire marshal clearances, certificates of occupancy, signed building permit inspections, and approved zoning variances.

School Accountability Report Card
On or before February 1 of each year, the School will post its School Accountability Report Card (SARC) for the prior year on the Internet using the template developed by the CDE. The template is available at http://www.cde.ca.gov/ta/ac/sa/.

Section 2: Educational Performance

2.1 Educational Program
The School will have the following information available for CDE review:

- Scope and sequence for all subjects offered by the School.
- The complete educational program for students to be served during the first year and each subsequent year of operation including, but not limited to:
  - A description of the curriculum and identification of the basic instructional materials to be used
Plans for professional development for instructional personnel who will deliver the curriculum and use the instructional materials

- Identification of the specific assessments that will be used in addition to the results of the California English Language Development Test (CELDT), the tests within the Standardized Testing and Reporting (STAR) Program, the California High School Exit Examination (CAHSEE), and the California Physical Fitness Test (PFT) that will be used to evaluate student progress

- Evidence that the School has established a relationship with the contractors for each required statewide testing program

- Annual school calendar that includes the number of instructional days (175 minimum), the annual instructional minutes, and the number of professional development days.

- Daily bell schedule.

### 2.2 Student Achievement Plan

If after its first year of operation, the School fails to meet its schoolwide or numerically significant subgroup Academic Performance Index (API) growth targets or it fails to make Adequate Yearly Progress (AYP) in a given year, it will be required to submit a Student Achievement Plan (SAP) to the SBE by October 1 of the school year following the school year in which the School failed to meet API targets or AYP. (See Appendix A for requirements.)

After approval by the SBE, the School will implement the SAP and post the SAP on the School's Web site. The CDE may require the School to report its interim/benchmark assessment results to the CDE and the SBE.

The School will not be required to submit an SAP if it meets its schoolwide and significant subgroup API growth targets and AYP each year.

### 2.3 Annual Update

The School will submit an annual update and narrative to the CDE within 30 days of the release of the CDE Accountability Progress Reporting data each year that includes the following:

- STAR results, both in aggregate format and disaggregated by numerically significant subgroups
• CAHSEE results, when applicable, both in aggregate format and disaggregated by numerically significant subgroups

• Progress made toward meeting API growth targets and AYP

• Progress made toward each of the educational goals and student outcomes identified in the charter

• Progress made toward closing any achievement gaps among numerically significant subgroups

• Results of any additional schoolwide assessments used by the School

• Description of outcomes, goals, and objectives for the following year

If the School was required to submit an SAP, it must also address the following in the Annual Update:

• Progress made in addressing the goals identified in the SAP

• Professional development activities undertaken to further progress in achieving the SAP’s goals

• Progress made on implementing curriculum and instructional strategy changes or the organizational changes identified in the SAP

• Evidence that the School and the teachers are systematically examining student data and using it to drive decisions about curriculum and instruction

• Funds targeted to support the SAP

The annual update in conjunction with the SAP, if applicable, will be the addressed during the annual CDE site visits.

2.4 Special Education

The School will post information identifying the Special Education Local Plan Area (SELPA) in which it is participating or of which it is a member, including any documentation pertaining to that participation or membership, such as an MOU on the School’s Web site.
2.5 Independent Study

The School may offer a site-based program for grades kindergarten through six and an independent study program for grades kindergarten through twelve. The School may on a case-by-case basis use short-term independent study contracts for students who receive prior approval for absences due to travel or extended illness of one or more consecutive days. Such independent study will be limited to occasional, incidental instances of extended absences and must be fully compliant with all independent study statutes and regulations applicable to charter schools and will be subject to audit using the Education Audit Appeals Panel (EAAP) Guide (available at the EAAP Web site at http://www.eaap.ca.gov/ (outside source).

In order to claim independent study average daily attendance (ADA) on attendance reporting forms, the School must provide prior certification that the School's Governance Council has adopted policies and master agreements and that all forms and procedures are in compliance with applicable independent study statutes (EC Section 51745 et seq.) and regulations.

If the School plans to offer a site-based program to grades nine through twelve, it must first submit a plan or proposal to the CDE for consideration. If CDE determines the plan or proposal to be a material revision, the School will be required to petition the SBE for approval before it may offer such a program.

Section 3: Fiscal Operations

3.1 Funding

The School will be direct-funded in accordance with EC Section 47651(a)(3), and its general purpose entitlement will be calculated in accordance with EC Section 47633 et. seq. The parties recognize the authority of the School to pursue additional funding sources.

3.2 Fiscal Agent

The School is responsible for identifying and working with their county office of education (COE) to establish the appropriate funds and accounts in the county treasury for the School. Pursuant to EC Section 47651(a)(3), the county is identified as the county where the local educational agency that initially denied the charter is located.
3.3 Student Attendance Accounting and Reporting

Within 30 days prior to opening, the School will submit proposed attendance accounting procedures for CDE approval, including software or any proposed spreadsheet or database formats. Software must be capable of producing reports as described in this section of the MOU.

Pursuant to EC Section 47612.5, charter schools are required to “maintain contemporaneous records of attendance.” To fulfill this requirement, the School shall maintain hard copy attendance records that are signed and dated by the reporting teacher at least once per week. CDE will periodically request that the School send CDE copies of signed and dated weekly attendance from randomly selected school months. In addition, CDE will inspect weekly attendance records during the annual site visit and reserves the right to inspect weekly attendance during any announced or unannounced visit to the School. Failure to maintain attendance records that are signed and dated each week by the teacher recording the attendance can result in loss of apportionment funding.

The School’s startup enrollment must be consistent with the enrollment data described in the charter. The School must submit enrollment and attendance reports according to the following schedule:

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<th>Data and Description</th>
<th>Deadline To Report to CDE</th>
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<tbody>
<tr>
<td>Pupil Estimates for New or Significantly Expanding Charters (PENSEC) Report— These data are used to calculate the first special advance apportionment for newly operational charter schools which represents approximately 37 percent of annual funding.</td>
<td>July 30</td>
</tr>
<tr>
<td>First 20 Days Attendance—These data are used to calculate the second special advance apportionment for newly operational charter schools, which represent approximately 18% of annual funding</td>
<td>No later than 15 days after the first 20 school days</td>
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<tr>
<td>First Principal Apportionment (P-1)— Attendance for all full school months between July 1 and December 31</td>
<td>January 5</td>
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<td>Second Principal Apportionment (P-2)— Attendance for all full school months between July 1 and April 15</td>
<td>April 21</td>
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<tr>
<td>Annual Apportionment—Attendance for the entire school year</td>
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</tbody>
</table>

In addition to submitting electronic data files, the School must submit hard copies of attendance records that include the following:
Each student’s daily attendance up to the last day included in the reporting period

Summary reports that include all students’ daily attendance subtotaled by school month and by grade

Hourly attendance sheets signed and dated by teachers for any supplemental hours claimed

Evidence of contact made with parents when students are absent from school (e.g., parent contact log, absence log, etc.) will be inspected during site visits to the school.

**NOTE:** It is critical that the above attendance reporting deadlines are met in an accurate and timely manner. If the School misses a reporting deadline or submits incomplete reports, it risks being excluded from that apportionment’s certification and funding period. For example, if P-1 attendance data is not received in time for inclusion in the P-1 certification, the school’s ADA defaults to zero and no funds are paid for the P-1 funding period, February through May.

CDE staff will review and certify the accuracy of the attendance data submitted by the School only when all documentation has been submitted and is accurate. **Attendance data submitted without the required detail will NOT be processed and may result in loss of funding for the School.**

### 3.4 Revenue and Expenditure Reporting

The School is required to submit periodic reports of revenues, expenditures, and reserves pursuant to EC Section 47604.33. The School must submit reports according to the following schedule:

<table>
<thead>
<tr>
<th>Budget or Report</th>
<th>Deadline to Submit to CDE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revised Preliminary Budget</strong>—Required to address any concerns CDE identified during the preliminary budget review</td>
<td><strong>July 1</strong></td>
</tr>
<tr>
<td><strong>First Interim Report</strong>—Expenditures through October 31</td>
<td><strong>December 15</strong></td>
</tr>
<tr>
<td><strong>Second Interim Report</strong>—Expenditures through January 31</td>
<td><strong>March 15</strong></td>
</tr>
<tr>
<td><strong>Unaudited Actuals Report for Prior Fiscal Year</strong></td>
<td><strong>September 15</strong></td>
</tr>
</tbody>
</table>

The supplemental information identified in Appendix F must be submitted to CDE with each of the above reports.
3.5 Reserves

The School is expected to maintain reserves at a level at least equivalent to a school district of similar size as identified in 5 CCR Section 15450.

<table>
<thead>
<tr>
<th>School ADA</th>
<th>Expected Reserves</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 300</td>
<td>Greater of 5%* or $55,000</td>
</tr>
<tr>
<td>301 – 1,000</td>
<td>Greater of 4%* or $55,000</td>
</tr>
</tbody>
</table>

*Percentage applied to total expenditures and other financing uses.

The CDE may request additional information to evaluate the fiscal condition of the School.

3.6 Annual Audit

By April 1 of each year, the School must contract with an auditor from the Certified Public Accountants Directory Service (CPADS) provided by the California State Controller’s Office (SCO) to prepare for the annual audit due on December 15. (EC Section 41020). The list of CPAs who may perform local education audits is available at [http://www.sco.ca.gov/cpads/](http://www.sco.ca.gov/cpads/).

By December 15 of each year, the School will submit an annual independent financial audit to the SCO, the CDE CSD, the CDE Audit Resolution Office, and the COE of the county in which the School is located [EC Section 47605(m)]. The School will submit any management letters accompanying the audit report to the CDE. To receive a favorable renewal recommendation, each annual audit must be free of findings and exceptions, or corrective actions plans must have been implemented so that no findings or deficiencies are identified the following year.

The audit shall be conducted in accordance with auditing standards generally accepted in the United States of America, the standards set forth in *Government Auditing Standards* issued by the Comptroller General of the United States, and the Standards and Procedures for Audits of K—12 Local Educational Agencies (audit guide) adopted by the Education Audit Appeals Panel (EAAP). The audit guide is available at [http://www.eaap.ca.gov](http://www.eaap.ca.gov).

3.7 Oversight Fees

Pursuant to EC Section 47613, the School will be charged an annual oversight fee not to exceed one percent (1%) of the general purpose and categorical block grant funding provided to the School at the P-1 apportionment. The annual invoice will
also include an adjustment for the preceding year based on the final (P-2) revenue for that year. Invoices are due and payable to CDE within 30 days of receipt.

3.8 Retirement Systems

If applicable, the School will be responsible for entering into a contract with the California State Teachers’ Retirement System (CalSTRS) and/or the California Public Employees’ Retirement System (CalPERS) and a COE for reporting purposes. Verification of participation must be provided to the CDE prior to hiring any employee whose position is covered by CalSTRS or CalPERS. If the school participates in any alternative retirement systems, information regarding those systems must be also be provided.

Section 4: Fulfilling Charter Terms

4.1 Adherence to Charter

The School will adhere to all elements of its charter petition, including but not limited to its stated mission, measurable student outcomes, curriculum, and assessments.

4.2 Material Amendments to Charter

Changes to the charter deemed to be material amendments may not be made without SBE approval. Material changes include, but are not limited to the following:

- Substantial changes to the educational program including the addition or deletion of an educational program, mission, or vision
- Changing to or adding a non-classroom based program
- Proposed changes in enrollment that differ by more than 25 percent (25%) of the enrollment approved by the SBE in the charter or in an SBE approved revised charter or a change that could significantly impact the academic or financial sustainability of the School
- Adding or deleting the grade levels to be served
- Adding sites
- Changing admissions policies and preferences
- Changing the governance structure
4.3 Statewide Assessments

The School will comply with the requirements for participation in and administration of all state mandated assessments, including the designation of a test site coordinator and the establishment of accounts with each test vendor.

4.4 Site Visits

The CDE will conduct a site visit prior to the School opening and at least once during the school year.

Pre-opening Visit (see Appendix B)

Prior to the CDE authorizing the School to commence operations, the School must demonstrate that it has completed specified actions and provided required documentation. The documentation required is listed in the Documentation Review Checklist. (See Appendix C.)

At least 30 days prior to the date on which the School is scheduled to begin instruction, the School will have posted on the School’s Web site or provided to the CDE each item required on the Checklist. Items not completed by that date must have an agreed upon alternative date by which the item will be completed.

The CDE will visit the School for an inspection and review within 30 days prior to the date the School is scheduled to open. The School may not commence operations without written authorization from the CDE.

Annual Site Visits (See Appendix D)

The CDE will conduct at least one site visit annually to assess the School’s progress in governance and organizational leadership, educational performance, fiscal operations and internal controls, and adherence to the charter. Appendix D: Annual Site Visit Protocol and Appendix C: Documentation Review Checklist, describe the evidence and documentation that will be reviewed and evaluated during the visit.

The site visit may include but is not limited to a review of the facility; review of the School’s records; interviews with the School’s director, staff, parents, and students; and classroom observations. The annual evaluations may be used to determine a renewal decision at the end of the charter term.

The CDE reserves the right to make unannounced visits to the School.
4.5 Notification Regarding Closure, Revocation, or Renewal

At the beginning of any closure or revocation process, the School shall immediately provide at its own expense a written notification to every parent, guardian, or caregiver describing all options available for students to transfer, including specific schools. The School shall also offer administrative assistance to parents, guardians, or caregivers to provide for a timely transfer of students to other schools.

One year before a renewal is to be considered, the School shall provide at its own expense a written notification to every parent, guardian, or caregiver describing the renewal process.

4.6 Renewal

The school may seek renewal of its charter prior to the expiration of the term of the charter in accordance with applicable statutory and regulatory provisions. Under EC Section 47605(k)(3), a charter school that has been granted its charter through an appeal to the SBE and elects to seek renewal of its charter shall, prior to the expiration of its 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 school’s petition for renewal, the school may petition the SBE for renewal of its charter.

When petitioning the SBE for renewal, the School shall submit a complete copy of its charter renewal petition including a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. The School shall also submit a copy of the most recent Annual Update and SAP, if applicable, to the CDE no later than December 1 of the year in which the charter expires.

The CDE will review the charter petition, the School’s academic, financial, and operational performance, audit reports, and annual visit reports, and may also conduct a renewal site visit prior to scheduling the renewal request for consideration by the Advisory Commission on Charter Schools (ACCS) and the SBE.

4.7 Revocation

The SBE retains the right to revoke the charter pursuant to EC sections 47604.5 or 47607 for specified reasons with written notice to the School that shall specify concerns, alleged violations, and issues of non-compliance. The CDE will adhere to the requirements in EC sections 47607(c) through (e), and any regulations approved by the SBE and the Office of Administrative Law prior to revocation of the charter.

During the period prior to revocation, the School shall have the opportunity to work collaboratively with the CDE or its designee to address the concerns and develop a
plan to remediate all areas to the satisfaction of the CDE and the SBE. During this period of time, the School shall attempt to resolve the concerns and complete remediation. This provision may require an amendment to the charter.

Under circumstances where the CDE determines there is a severe and imminent threat to the health or safety of students, the CDE may take immediate action to assure the safety and well being of the students including but not limited to closure of the School. The SBE will be apprised of the situation before any action is taken.

4.8 Closure Procedures

The School’s charter will include a description of the procedures to be used in the event the School closes. The procedures must, at a minimum, contain all of the elements in 5 CCR Section 11962 (see Appendix E).

If the School is to close permanently for any reason, the CDE will serve written notice on the School that the School’s closure procedures have been invoked. The School will immediately notify the CDE of the specific individual responsible for coordinating the School’s closure procedures. The CDE will identify a CSD staff member to work with the School to complete all closure activities.

Pursuant to EC Section 47604.3, the School expressly acknowledges the right of the CDE on behalf of the SSPI to take immediate and direct control of the School’s student and business records at any time after the CDE gives written notice that it is invoking the closure procedures.

Section 5: Nondiscrimination

The School shall not charge tuition, shall be nonsectarian, and pursuant to EC Section 200, the school shall be open to all students regardless of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code. The non-discrimination provisions also shall apply to the employment of all staff members.

Section 6: Severability

If any provision or any part of this MOU is held to be invalid, unenforceable, or contrary to public policy or statute for any reason, the remainder of this MOU shall be unaffected.
Section 7: Non-assignment

No portion of this MOU or the Charter petition approved by the SBE may be assigned to another entity without the prior written approval of the SBE.

Section 8: Waiver

A waiver of any provision or term of this MOU must be in writing and signed by both parties. Any such waiver shall not constitute a waiver of any other provision of this MOU. The parties agree that neither party to this MOU waives any of the rights, responsibilities, or privileges established by the Charter Schools Act of 1992.
Notifications

All notices, requests, and other communications under this MOU will be in writing and mailed to the following addresses:

Beth Hunkapiller, Director
Charter Schools Division
California Department of Education
1430 N Street, Suite 5401
Sacramento, CA 95814-5901

Long Valley Charter School
P.O. Box 7
Doyle, CA 96109

This MOU includes the understanding of the parties with respect to the matters covered in the MOU and supersedes any oral or written understandings between the parties related to the subject matter of this MOU. No person or party is authorized to make any representations or warranties except as set forth herein; and no MOU, statement, representation, or promise by any individual or party that is not contained in this MOU will be valid or binding. The undersigned acknowledges that she/he has not relied upon any warranties, representations, statements, or promises that are not expressly set forth in this MOU. The parties further acknowledge that this MOU will be modified only in writing by the mutual agreement of the parties to updates or modifications to the MOU.

__________________________________________________________________________  ________________
Jane VonTour, President, Long Valley Governing Board                    Date

__________________________________________________________________________  ________________
Michael Yancey, Education Director, Long Valley Charter School            Date

__________________________________________________________________________  ________________
Beth Hunkapiller, Director, CDE Charter Schools Division                  Date

__________________________________________________________________________  ________________
Nicolas Schweizer, Executive Director, State Board of Education            Date
Appendix A: Student Achievement Plan Guidelines

I. Overview

A Student Achievement Plan (SAP) is required to be submitted to the California Department of Education (CDE) if the School fails to meet academic performance index (API) growth targets and/or adequate yearly progress (AYP) in any year. The SAP requires the School to establish specific goals and actions the School will take to improve student academic achievement in those areas identified through the API and AYP as not meeting performance criteria. The School must also identify how it will evaluate progress toward goals and outcomes, and the data that will be collected to measure progress.

The School will be expected to present an Annual Update to the CDE on the progress made in meeting goals identified in the SAP. Data compiled from the SAP and the Annual Update, plus confirming evidence gathered during periodic site visits will provide the CDE with a clear understanding of whether the School is on track to its charter being renewed.

In addition to API and AYP, the School may incorporate a variety of additional outcome measures to further demonstrate academic achievement and organizational effectiveness. While these various supplemental measures will not carry as much weight as the required measures in making renewal decisions, they may be important in helping the School to: (1) demonstrate its value added; (2) achieve its academic goals and distinctive qualities in the School’s mission; and (3) highlight those goals and qualities to its greater school community.

II. Required Components of the Student Achievement Plan

For each area in which the School did not meet API targets and/or AYP, the School must submit an SAP to the CDE describing specific and concrete actions the School will take in order to improve student achievement over the course of the current school year. The SAP must address, at a minimum, the following elements:

- Methods or system the School uses to examine student achievement data on a regular basis across grade levels, by subject matter, by significant subgroups, and across the School as a whole.
Analysis of the Standardized Testing and Reporting (STAR) Program and AYP results that identifies the specific problem in the area(s) not meeting targets and/or criteria.

Specific and measurable goals the School will achieve during the current school year.

Specific actions, which follow from the goals and examination of student data, the School will take to improve student achievement in the area(s) identified as needing improvement, including changes to curriculum, instruction, assessment, governance, and organization.

Professional development plan for teachers and/or other staff that supports the activities the School will implement to improve performance in targeted areas.

Diagnostic assessments that will be used to enable the school to monitor the effects of proposed changes on student performance, and the specified intervals at which students will be assessed in order to develop at least two to three data points.

Timelines for each of the specific actions proposed

The School may use any format it wishes for the SAP; however, the SAP must be submitted as a Microsoft Word document. The SAP must be submitted to the CDE by October 1 if the School did not meet API targets or AYP in the prior year.

Further information regarding the API can be found on the CDE API Web page at http://www.cde.ca.gov/ta/ac/ap/index.asp. Information on the AYP, including targets and criteria, can be found on the CDE AYP Web page at http://www.cde.ca.gov/ta/ac/ay/index.asp.
**Appendix B: Pre-opening Site Inspection Checklist**

<table>
<thead>
<tr>
<th>General Considerations</th>
<th>Compliant</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facilities operation permits and certificates, including evidence of inspection by a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>structural engineer, fire marshal and occupancy certificates, zoning variances,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>building permits, etc. have been secured.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site is away from freeways, railways, flight patterns, excessive noise, obnoxious</td>
<td></td>
<td></td>
</tr>
<tr>
<td>odors, toxic conditions, electromagnetic fields, earthquake faults, and flood zones.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site has good access and dispersal roads.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site has separate bus loading, parking areas, and parent drop off areas.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site has appropriate security (i.e. fencing, adequate lighting, alarms, etc.).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site and facilities are situated to minimize student contact with adults who do not</td>
<td></td>
<td></td>
</tr>
<tr>
<td>have appropriate clearances as required by California <em>Education Code</em> Section 44237.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facilities are generally conducive to a learning environment.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building placement is compatible.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facilities are sufficient to accommodate estimated student enrollment and to carry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>out the curricular and instruction program envisioned in the charter.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facilities are sufficient to accommodate the administrative and business functions,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>including the storage of student and other records, reports, and documents.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site has adequate space for the support services the school intends to provide to its</td>
<td></td>
<td></td>
</tr>
<tr>
<td>students (i.e. nurse, counselors, tutors, after-school programs, etc.).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## General Considerations

<table>
<thead>
<tr>
<th>Compliant</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facilities include cafeteria or other suitable space for students to eat meals.</td>
<td></td>
</tr>
<tr>
<td>Library or other space dedicated to research and study is suitable for the educational program being provided.</td>
<td></td>
</tr>
<tr>
<td>Indoor and/or outdoor physical education facilities are sufficient to accommodate the program envisioned in the charter.</td>
<td></td>
</tr>
<tr>
<td>Facilities meet requirements of the Americans with Disabilities Act, including: (1) accessible routes from outside the school to the entry and from the school entry to all other buildings; and (2) stairs, ramps, toilets, and signage that meet accessibility standards.</td>
<td></td>
</tr>
</tbody>
</table>

## Building Exterior

<table>
<thead>
<tr>
<th>Compliant</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facilities are generally free of chipped paint, cracked floors, uneven surfaces, mold, and evidence of leaks.</td>
<td></td>
</tr>
<tr>
<td>Sidewalks, driveways, and outdoor play areas are relatively free of cracks and uneven surfaces, and are in good repair.</td>
<td></td>
</tr>
<tr>
<td>Perimeter fences are installed as necessary and are in good repair.</td>
<td></td>
</tr>
<tr>
<td>Graffiti or other signs of vandalism to the building are absent.</td>
<td></td>
</tr>
<tr>
<td>School exterior needs minimal cosmetic repairs, painting, or additional lighting.</td>
<td></td>
</tr>
<tr>
<td>Windows and doors are intact and in good repair.</td>
<td></td>
</tr>
<tr>
<td>Exterior stairs or handrails are in good repair.</td>
<td></td>
</tr>
<tr>
<td>Exits of buildings are free of obstructions.</td>
<td></td>
</tr>
<tr>
<td>Signage is adequate for traffic flow and for directions to school offices.</td>
<td></td>
</tr>
</tbody>
</table>
# Building Exterior

<table>
<thead>
<tr>
<th>Compliant</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trees and vegetation provide a clear view of the school; places to hide or to gain authorized access to the building are minimized.</td>
<td></td>
</tr>
<tr>
<td>School site is substantially free of litter and clutter.</td>
<td></td>
</tr>
</tbody>
</table>

# Interior Entrances, Corridors, and Stairs

<table>
<thead>
<tr>
<th>Compliant</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heating and ventilation systems are adequate for the size of the building and numbers of students.</td>
<td></td>
</tr>
<tr>
<td>Electrical system has no major code violations.</td>
<td></td>
</tr>
<tr>
<td>Fire alarm system meets applicable local fire safety codes; appropriate fire extinguishers exist in the building(s) and inspections are up to date.</td>
<td></td>
</tr>
<tr>
<td>Restrooms are conveniently located and accessible to students; toilets are clean and operable.</td>
<td></td>
</tr>
<tr>
<td>Bracing of overhead light fixtures, heating and air conditioning vents, etc. comply with local ordinances.</td>
<td></td>
</tr>
<tr>
<td>Lighting, including nighttime lighting, is sufficient for the educational activities being conducted at the site.</td>
<td></td>
</tr>
<tr>
<td>Floors, walls, and ceilings are clean; ceiling tiles are all intact.</td>
<td></td>
</tr>
<tr>
<td>Halls and stairs are adequately lit.</td>
<td></td>
</tr>
<tr>
<td>Exit doors, including emergency exits, are free of clutter and readily accessible; doors are secure to prevent intruders into the building.</td>
<td></td>
</tr>
<tr>
<td>Interior is free of other hazards that could endanger student safety.</td>
<td></td>
</tr>
</tbody>
</table>
Classrooms

<table>
<thead>
<tr>
<th>Compliant</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Classroom size and layout are related to functions that will be performed in them (i.e. kindergartens, laboratories, special education, locker rooms, gyms, etc.).</td>
<td></td>
</tr>
<tr>
<td>Desks, tables, and chairs are in good repair.</td>
<td></td>
</tr>
<tr>
<td>Space is provided to secure computers and other expensive electronic devices.</td>
<td></td>
</tr>
<tr>
<td>Bookcases, racks, fixtures, etc. are adequately anchored to adjacent structures.</td>
<td></td>
</tr>
<tr>
<td>Gas, electrical, and water outlets and appliances are in good repair.</td>
<td></td>
</tr>
<tr>
<td>Classrooms have adequate lighting.</td>
<td></td>
</tr>
<tr>
<td>Classrooms are visible to teachers at all times; classroom layout is conducive to quick evacuation.</td>
<td></td>
</tr>
<tr>
<td>Kindergarten classrooms have toilet facilities, or dedicated facilities are located within close proximity to classrooms, and are of appropriate height.</td>
<td></td>
</tr>
</tbody>
</table>

**Additional Comments**

CSD Reviewer: _____________________________

SFPD Reviewer: _____________________________

Date of site visit: ________________________________
Appendix C: Document Review Checklists

These checklists provide information and dates for the review and submission of required documentation from your school to the California Department of Education (CDE). The required documents are listed according to the Memorandum of Understanding (MOU) section to which they correspond.

**Checklist: Pre Opening Conditions**

*If these conditions are not met prior to the opening of a school, 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, approval of the charter is terminated.*

<table>
<thead>
<tr>
<th>SBE Conditions for Approval</th>
<th>Complete</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Memorandum of Understanding (MOU)/Oversight agreement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Charter (including technical amendments)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MOU Section:</td>
<td>Complete</td>
<td>Comments</td>
</tr>
</tbody>
</table>

1.4 Administration

- Insurance coverage (property, general liability, Workers’ Compensation and auto)
- Facilities use agreement(s)
- Certificate of Occupancy (CO), building permits, evidence of appropriate zoning
- Assure compliance with *Education Code* Section 17215, regarding sites located near runways

2.1 Educational Program

- Complete educational program

2.4 Special Education

- Special Education Local Plan Area (SELPA) participation evidence

3.2 Fiscal Agent

- Verify relationship with county office of education as fiscal agent

3.3 Student Attendance Accounting and Reporting

- Attendance accounting procedures; software to be used, if any

3.8 Retirement Systems

- Method to process retirement employment contributions or designated staff person to process retirement contributions
Checklist: Documents To Be Reviewed Within 30 days of Opening

(Unless otherwise noted, all documents listed below must be posted on the school’s website)

<table>
<thead>
<tr>
<th>MOU Section</th>
<th>Complete</th>
<th>Comments</th>
</tr>
</thead>
</table>

### 1.1 Organization

- School contact information
- List of primary contacts with phone numbers and e-mail addresses (send to CDE)
- List of directors, officers and administrative staff (send to CDE)

### 1.2 Governing Board Establishment

- Articles of Incorporation
- Bylaws approved by governing board
- Roster/biographies of current board members

### 1.3 Governing Board Activities

- Calendar of governing board meetings
- Brown Act training verification (send to CDE)
- Governing board policies in following areas:
  - Conflicts of Interest
  - Campus supervision
  - Discipline
  - Parent/student handbook
  - Health and safety plan
  - Certification of clear criminal records summaries
  - Internal fiscal controls
  - Independent study (send policy to CDE, if applicable)

### 1.4 Administration

- Description of outreach activities
- Application procedures
- Copy of application and enrollment form
- Employee handbook (electronic copy to CDE)
- Teacher credential certification assurance
- Contracts for business services and educational management vendors (send to CDE)

### 2.1 Education Program

- Scope and sequence for all subjects offered by the school
- Educational program (curriculum, professional development, assessments)
- Annual school calendar
- Daily bell schedule

### 4.3 Statewide Assessments

- Designate test site coordinator (send assurance to CDE)
- Establish accounts with test vendors (send assurance to CDE)
# Checklist: Continuous Document Review/Collection

(Unless otherwise noted, all documents below must be submitted to the CDE)

<table>
<thead>
<tr>
<th>MOU Section</th>
<th>Due date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.4 Administration</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School Accountability Report Card (SARC) (school</td>
<td>1-Feb</td>
<td></td>
</tr>
<tr>
<td>website)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2.2 Student Achievement Plan</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student achievement plan (if applicable)</td>
<td>Oct. 1</td>
<td></td>
</tr>
<tr>
<td><strong>2.3 Annual Update</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual update and narrative</td>
<td>Within 30 days of APR data release</td>
<td></td>
</tr>
<tr>
<td><strong>3.3 Student Attendance Accounting/Reporting</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First 20 days attendance/supporting documents</td>
<td>15 days after first 20 days</td>
<td></td>
</tr>
<tr>
<td>First Principal Apportionment (P-1) documentation</td>
<td>Jan. 5</td>
<td></td>
</tr>
<tr>
<td>Second Principal Apportionment (P-2) documentation</td>
<td>Apr. 21</td>
<td></td>
</tr>
<tr>
<td>Annual attendance/supporting documentation</td>
<td>Jun. 30</td>
<td></td>
</tr>
<tr>
<td>PENSEC Report</td>
<td>Jul. 31</td>
<td></td>
</tr>
<tr>
<td><strong>3.4 Revenue and Expenditure Reporting</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual budget</td>
<td>Jul. 1</td>
<td></td>
</tr>
<tr>
<td>Unaudited actuals report (only for schools in 1st year of operation)</td>
<td>Sep. 15</td>
<td></td>
</tr>
<tr>
<td>First Interim report</td>
<td>Dec. 15</td>
<td></td>
</tr>
<tr>
<td>Second interim report</td>
<td>Mar. 15</td>
<td></td>
</tr>
<tr>
<td><strong>3.6 Annual Audit</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual independent financial audit</td>
<td>Dec. 15</td>
<td></td>
</tr>
<tr>
<td><strong>3.7 Oversight Fees</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payment of invoice for oversight fee</td>
<td>May</td>
<td></td>
</tr>
</tbody>
</table>
Appendix D: SBE Authorized Charter School Monitoring Instrument

The California Legislature enacted the Charter Schools Act of 1992 to authorize the establishment of charter schools. The purposes of charter schools, as specified in EC Section 47601 (Outside Source), are to:

1. Improve pupil learning.
2. Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils identified as academically low achieving.
3. Encourage the use of different and innovative teaching methods.
4. Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.
5. Provide parents and students with expanded educational opportunities within the public school system without the constraints of traditional rules and structure.
6. Provide schools a way to shift from a rule-based to a performance-based system of accountability.
7. Provide competition within the public school system to stimulate improvements in all public schools.

Purpose of Site Visit
The site visit by California Department of Education staff is to assess the school’s progress in governance and organizational leadership, educational performance, fiscal operations and internal controls, and adherence to the charter. The site visit may include a review of the facility; review of the school’s records; interviews with the school’s director, staff, parents, and students; and classroom observations. The annual site visit is guided by professional integrity and is grounded in evidence, not opinion. The annual site visit evaluations may be used, in part, to formulate a renewal decision at end of the charter term.

Process
The length of a site visit may vary but will average 1 ½ days.
## PRE-VISIT

<table>
<thead>
<tr>
<th>Activity</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>The CDE oversight team leader contacts school to schedules the on-site visit.</td>
<td>6 weeks prior to visit</td>
</tr>
<tr>
<td>The CDE oversight team provides school leadership with an orientation to the process.</td>
<td>4 weeks prior to visit</td>
</tr>
<tr>
<td>School sends documents requested by the CDE evaluation team to the team leader.</td>
<td>4 weeks prior to visit</td>
</tr>
<tr>
<td>Site visit evaluation team members review documents submitted by the school and record their initial questions about the school’s performance according to protocol standards. The evaluation team creates a draft schedule of interviews and classroom visits, finalizes the schedule with the school’s input, and sends a copy of the schedule to the school.</td>
<td>1-2 weeks prior to visit</td>
</tr>
</tbody>
</table>

## ON-SITE

<table>
<thead>
<tr>
<th>Activity</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>The site visit evaluation team spends a minimum of one and a half days on site conducting classroom visits and interviews with school administration, faculty, and students. Site visit evaluators may conduct the special education file review during the on site visit, or schedule this separately.</td>
<td>At least 1 ½ - 2 days</td>
</tr>
<tr>
<td>While on site, the team leader communicates regularly with school leadership to keep the school informed of the team’s progress and to seek the school’s input on that progress.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>The oversight team’s primary objective is to evaluate the degree to which schools are meeting expectations specified in the school charter. To reach this set of findings and recommendations, the team develops a consensus based on available evidence. Collected evidence is discussed throughout the site visit.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Team leader presents oral report of key findings to school leadership.</td>
<td>Last day of visit</td>
</tr>
</tbody>
</table>
FOLLOWING THE VISIT

<table>
<thead>
<tr>
<th></th>
<th>TIMELINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>After the site visit, the oversight evaluation team</td>
<td>1 week after the visit</td>
</tr>
<tr>
<td>develops a written report that formalizes the findings</td>
<td></td>
</tr>
<tr>
<td>discussed on site. Usually, one team writer develops</td>
<td></td>
</tr>
<tr>
<td>a draft report and then shares it with team members.</td>
<td></td>
</tr>
<tr>
<td>Team writer edits report to incorporate team member</td>
<td>2 weeks after the visit</td>
</tr>
<tr>
<td>feedback and sends to team leader. The team, at its</td>
<td></td>
</tr>
<tr>
<td>discretion, can send the report to the school for</td>
<td></td>
</tr>
<tr>
<td>factual clarification.</td>
<td></td>
</tr>
<tr>
<td>School provides factual corrections to team leader.</td>
<td>3 weeks after the visit</td>
</tr>
<tr>
<td>Team leader incorporates feedback and files final</td>
<td>4 weeks after the visit</td>
</tr>
<tr>
<td>report with the CDE Charter Schools Division Office</td>
<td></td>
</tr>
<tr>
<td>and the school. The reports should be used by the</td>
<td></td>
</tr>
<tr>
<td>CDE to monitor school performance and for decision-</td>
<td></td>
</tr>
<tr>
<td>making, should become part of the school’s public</td>
<td></td>
</tr>
<tr>
<td>record, and should be used by the CDE for public</td>
<td></td>
</tr>
<tr>
<td>reporting purposes (including for the annual</td>
<td></td>
</tr>
<tr>
<td>accountability report).</td>
<td></td>
</tr>
</tbody>
</table>

**Schedule Template**

Find below a sample schedule. Site visit schedules will vary from school to school. The daily schedule for the visit will be constructed by the oversight team leader with guidance from school leadership. The team has specific tasks to be completed during the visit. However, the team leader will work collaboratively with school leadership to create a schedule that minimizes disruptions to the typical school day.
### Sample Site Visit Overview

<table>
<thead>
<tr>
<th>Day 1</th>
<th>Day 2</th>
<th>Day 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:30 am: School tour, task assignments</td>
<td>7:30–8:30 am: Feedback to school leaders</td>
<td></td>
</tr>
<tr>
<td>8:30–11:30 am: Classroom visitations, interviews, including second</td>
<td>8:30–10:30 am: Oral report of team judgments to school</td>
<td></td>
</tr>
<tr>
<td>11:30 am–12:30 pm: Team lunch, debrief</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12:30–2:30 pm: Classroom visitations, interviews</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2–3 pm: Initial principal/leadership team interview</td>
<td>3:00–3:30 pm: Note writing, evidence sorting, materials review</td>
<td></td>
</tr>
<tr>
<td>3–4 pm: Teacher/Staff interview</td>
<td>3:30–5:30 pm: Moderation: evidence sorting, sifting, evaluating, development of consensus judgments</td>
<td></td>
</tr>
<tr>
<td>4–5 pm: Board Interview</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Sample Daily Schedule for Oversight Visit

<table>
<thead>
<tr>
<th>Day One – [Day, Month Date, Year]</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2–3 pm</td>
<td>Oversight Team meeting with principal/leadership team interview</td>
</tr>
<tr>
<td>3–4 pm</td>
<td>Teacher/Staff interview</td>
</tr>
<tr>
<td>4–5 pm</td>
<td>Board Interview</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Day Two – [Day, Month Date, Year]</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>7:30 am</td>
<td>Oversight Team Arrives on Site</td>
</tr>
<tr>
<td>7:30–8:30 am</td>
<td>Tour of school lead by staff person and if appropriate 2-3 students</td>
</tr>
<tr>
<td>8:30–10:30 am</td>
<td></td>
</tr>
<tr>
<td>Team Member #1 [Administrative track]</td>
<td></td>
</tr>
<tr>
<td>8:30–9:30 am</td>
<td>Meet with administrative team: principal/AP/CAO/Special Education</td>
</tr>
<tr>
<td>9:30–10:30 am</td>
<td>classroom observations 2–3 classrooms (20–30 min each)</td>
</tr>
<tr>
<td>Team Member #2 [Academic track]</td>
<td></td>
</tr>
<tr>
<td>Classroom observations 4–6 classrooms (20–30 min each)</td>
<td></td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>10:30–11:30 am</td>
<td>Meet with selected students [selected by school]</td>
</tr>
<tr>
<td>11:30 am–12:30 pm</td>
<td>Team Meeting &amp; Lunch (can also be with staff) [Conference Room]</td>
</tr>
<tr>
<td>12:30–1:30 pm</td>
<td>Classroom observations 2–3 classrooms (20–30 min each)</td>
</tr>
<tr>
<td></td>
<td>Classroom observations 2–3 classrooms (20–30 min each)</td>
</tr>
<tr>
<td>1:30–2:00 pm</td>
<td>Meet with selected grade students [selected by school]</td>
</tr>
<tr>
<td>2:00–2:30 pm</td>
<td>Meet with school secretary/attendance clerk</td>
</tr>
<tr>
<td>2:30–3:30 pm</td>
<td>Parent Focus Group [Conference Room]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Day Three – [Day, Month Date, Year]</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>7 am</td>
<td>Oversight Team Arrives on Site</td>
</tr>
<tr>
<td>7:00–8:30 am</td>
<td>Team Meeting</td>
</tr>
<tr>
<td>8:30–10:30 am</td>
<td>Final report to School Leadership Team Principal, Assistant Principal, Director of Assessment, Director of Guidance, Executive Assistant to Principal [Conference Room]</td>
</tr>
</tbody>
</table>
Evaluation Categories
Each school is reviewed using the following four categories:

I. **Governance and Organizational Leadership:** The charter school and the governing board are duly constituted in accord with the school’s charter and applicable state and federal statutes, and are organized to support the school’s mission and vision supporting the achievement of high standards by all students (EC 47605(b)(5)(D)).

II. **Educational Performance:** The charter school provides a rigorous educational program for all students that is based on state content standards, and delivered in a supportive and positive learning environment. The school meets API and AYP annual growth targets and it own established outcomes. (EC 47605(b (5) (A)).

III. **Fiscal Operations and Internal Controls:** The school is financially viable organization that is operated in compliance with all applicable state and federal requirements, state reporting requirements, and sound fiscal practices for the purpose of supporting high student achievement.

IV. **Fidelity to Charter:** The school implements all of its operations in accord with its approved charter, adheres to requirements for prior approval of material changes to the charter, and communicates as necessary with its authorizer regarding departures from the charter.
I. **Governance and Organizational Leadership**

The charter school and the governing board are duly constituted in accord with the school’s charter and applicable state and federal statutes, and are organized to support the school’s mission and vision supporting the achievement of high standards by all students.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 <strong>Mission and Vision</strong> – The governing board has a clear mission and vision for the School, consistent with the charter, and adopts policies and procedures that support high student achievement.</td>
<td></td>
</tr>
<tr>
<td>1.2 <strong>Governing Board Operations</strong> – The governing board has established procedures to hold regular meetings that are conducted openly, to ensure that decisions are made without perceived or actual conflicts of interest, and has clearly delineated board roles and responsibilities.</td>
<td></td>
</tr>
<tr>
<td>1.3 <strong>Policy Guidance</strong> – The governing board provides direction to the School leadership through the adoption of policies and procedures that support and promote high academic standards in a safe and healthy School environment.</td>
<td></td>
</tr>
<tr>
<td>1.4 <strong>Evaluations</strong> – The governing board employs, and holds accountable, School leadership, and authorizes school leadership to operate the school in accordance with the charter, applicable laws, and the School’s mission and vision to improve student performance.</td>
<td></td>
</tr>
<tr>
<td>1.5 <strong>Stakeholder Participation</strong> – The School has processes in place that ensure stakeholder input regarding the School’s effectiveness in such areas as student discipline, parent (guardian) involvement, community engagement, and motivation of students toward high academic achievement and good citizenship. The governing board communicates regularly with all stakeholders regarding student achievement and progress toward meeting the School’s goals.</td>
<td></td>
</tr>
<tr>
<td>1.6 <strong>Monitoring Education and Fiscal Data</strong> – The governing board routinely reviews academic and other School data, and uses it to provide direction and allocation of resources for continuous improvement of student achievement, fiscal viability and compliance, and for ensuring school wide excellence.</td>
<td></td>
</tr>
</tbody>
</table>
### 1.7 Board Development

The governing board is appropriately trained in charter operations and applicable laws, including Brown Act training. New board members are given a formal orientation to the purpose and background of the School, and their roles and responsibilities, including the fiscal requirements of operating a nonprofit organization.

#### Evidence Reviewed

**Document:**
- List/roster of governing board members
- Charts/descriptions of board roles and responsibilities
- Articles of incorporation
- Board approved bylaws (most recent)
  - Board Norms
- Governing board meeting dates
  - Agenda
  - Minutes
  - Public posting (if appropriate)
- Brown Act training (if appropriate)
- Board resolutions/policies/regulations included, not limited to, conflict of interest, handbooks (parent/student/employee), student discipline & due process, employee discipline & due process, parent complaint resolution & due process, bank signature authorization, internal checks related to fiduciary items, safety plan
- Student records related to immunization
- Family Education Rights & Privacy Act (policy & notices)
- Section 504 and Office of Civil Rights

**Interview:**
- Board of Directors
- Staff
- Parents
- Other: ____________________
## Compliance

- Evidence that the school’s operations are non-sectarian, the admissions requirements are non-discriminatory, and the school does not charge tuition or its equivalent.
- Harassment policy for students and staff
- Parent involvement verification
  - Meeting calendar
  - Agendas & minutes
  - Notices
- Recruitment Outreach documents
  - Marketing brochures
  - Student application and selection process
- SARC
- Facility Use Agreements, CO, Building Permits, etc.
- Insurance coverage—documentation of payments to carriers
- CBEDs data
- Student information: grade, gender, racial/ethnic, free/reduced lunch, special education
- Personnel files as deemed necessary
- Other: _________________

## Findings:

<table>
<thead>
<tr>
<th>Conclusion</th>
<th>Exceeds requirements</th>
<th>Meets requirements</th>
<th>Approaching requirement</th>
<th>Does not meet requirement</th>
<th>Not reviewed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Conclusion:

- Exceeds requirements
- Meets requirements
- Approaching requirement
- Does not meet requirement
- Not reviewed
II Educational Performance

*The charter school provides a rigorous educational program for all students that is based on state content standards, and delivered in a supportive and positive learning environment. The School meets API and AYP annual growth targets and its own established outcomes.*

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1 Academic Performance</td>
<td>The School meets state assessment targets, including targets for all significant subgroups, and performs at least as well as other comparable schools in the district. The School can demonstrate, where applicable, that it is closing the achievement gap between subgroups.</td>
</tr>
<tr>
<td>2.2 Measurable Student Outcomes</td>
<td>The School has strong, measurable student outcomes, including outcomes for both state assessments and the School’s unique goals, and uses data to support how well students are doing in meeting outcomes.</td>
</tr>
<tr>
<td>2.3 Instructional Leadership</td>
<td>The School’s leadership effectively promotes the School’s mission and vision, maintains a focus on high academic achievement, fosters a culture of respect, professionalism, and shared decision-making, and has a system in place to coach and evaluate faculty and staff to improve student learning.</td>
</tr>
<tr>
<td>2.4 Curriculum</td>
<td>The School has a curricular plan that guides the work of faculty and staff, and allocates sufficient resources to implement the plan. The curriculum is rigorous, relevant, and appropriate to the needs of all students. Benchmark assessments are used throughout the year to determine student progress in learning the curriculum.</td>
</tr>
<tr>
<td>2.5 Instruction</td>
<td>Instructional practices are varied and appropriate to individual student’s learning styles. Teachers demonstrate knowledge and expertise in the subjects they teach. Teachers maintain high expectations for students, and promote high levels of engagement and use of critical thinking skills through a variety of motivational strategies. Students are assessed frequently and data is used to modify and strengthen instructional practices.</td>
</tr>
<tr>
<td>2.6 Opportunities to Learn</td>
<td>All students have equitable opportunities to learn. The School has support systems and strategies in place to assist academically underperforming students, including students with special needs, and English Language Learners, and provides opportunities in class and outside the regular school day for students to master the curriculum.</td>
</tr>
</tbody>
</table>
2.7 **Professional Development** – The School has a school-wide professional development plan that supports the curriculum plan and is consistent with the evaluation system. Faculty engages in ongoing professional development to improve instructional practices. Opportunities for teachers to collaborate regularly for the purpose of improving curriculum and instruction are built into the school day, and used to regularly gauge the effectiveness of instruction as it impacts student achievement.

2.8 **Learning Environment** – The School promotes a supportive, respectful, and nondiscriminatory learning environment in which students can attain high levels of achievement. Adults at the School know all students, and based on that knowledge, provide support and resources to meet the social and emotional needs of students. School rules and consequences are clearly understood by parents and students, and they are consistently applied to ensure a safe and healthy school environment.

2.9 **Facilities Support Learning** – The school facilities are clean, safe, and inviting to students and the community. Students and staff exhibit pride in the School. Exemplary student work is posted throughout the school, in addition to other items, such as school mission and vision, school motto, and guiding principles that send a consistent message that the School has a strong academic focus and high standards for students.

2.10 **Use of Data** – The School uses data regularly to make continuous improvements to curriculum and instruction that support high student achievement. Teachers regularly collect data in the classroom to determine the degree to which students are mastering content standards and modify instructional practice accordingly. School leadership uses data to determine progress in meeting school-wide goals and outcomes and to modify strategies for whole school improvement.

2.11 **Communication with Parents** – The School fosters ongoing two-way communication between parents and the School regarding individual student achievement and school wide progress in meeting goals and outcomes. Parents are welcomed and are provided opportunities to participate in the educational program. The School provides training opportunities for parents and community members to enable them to understand the curriculum, instruction, and assessment plan of the school.
## Evidence Reviewed

**Document:**  
- [ ] Test results reviewed on line  
- [ ] Home Language Survey  
- [ ] SARC  
- [ ] Bell schedule  
- [ ] School calendar  
- [ ] Professional development plan  
- [ ] Staff meeting agendas/minutes  
- [ ] Parent newsletters  
- [ ] Other: _______________________

**Interview:**  
- [ ] Board of Directors  
- [ ] Principal  
- [ ] Teachers  
- [ ] Parents

## Findings:

## Conclusion:

- [ ] Exceeds requirements
- [ ] Meets requirements
- [ ] Approaching requirement
- [ ] Does not meet requirement
- [ ] Not reviewed
### III Fiscal Operations and Internal Controls

The School is a financially viable organization that is operated in compliance with all applicable state and federal requirements, state reporting requirements, and sound fiscal practices for the purpose of supporting high student achievement.

#### 3.1 Budget Oversight –
The governing board has oversight and responsibility for approving annual and amended budgets to ensure that resource allocation is sufficient to support the School’s mission and vision, and to improve student achievement. Operations of the school are primarily funded through state and federal funds without reliance on fund raising, donations and grants for support of ongoing operations. The School maintains a prudent reserve.

#### 3.2 Budget Modifications –
The governing board regularly reviews and monitors the School’s revenues, expenditures and cash flow, and adopts modifications to the operating budget to ensure the financial stability of the School in order to sustain a high quality charter school.

#### 3.3 Fiscal Reporting –
The School submits required financial reports, including the budget and interim reports, the unaudited actual report, and the annual independent audit, that meet required time lines and are accurate, and are formally approved by the governing board.

#### 3.4 Fiscal Systems –
The School has in place and implements effective systems and practices to manage revenues and expenditures, accounting, payroll, and equipment inventories. The governing board has adopted policies and procedures to ensure implementation of sound fiscal systems that allow the School to make informed fiscal decisions.

#### 3.5 Internal Controls –
The School implements governing board-adopted internal controls as recommended under general audit standards. That ensure the integrity of all fiscal systems, and which ensure that neither governing board members nor school staff take actions that result in the appearance or actual conflicts of interest or nepotism.

#### 3.6 Audits –
The school has annual audits that are free of significant audit findings/exceptions. If audit findings have occurred, the School has promptly addressed the findings and taken appropriate action to resolve the exceptions, and informed its authorizer of the actions taken.
3.7 **Compliance with Law** – The governing board and School leadership have an understanding of state and federal statutes that guide charter schools, and ensure the expenditure of funds occurs in a manner that is compliant with applicable federal and state laws governing the use of those funds.

<table>
<thead>
<tr>
<th>Evidence Reviewed</th>
<th>Interview:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Document:</strong></td>
<td><strong>Principal/Executive Office</strong></td>
</tr>
<tr>
<td>□ Budget</td>
<td>□ Board of Directors</td>
</tr>
<tr>
<td>□ Audit documentation</td>
<td>□ Fiscal Staff</td>
</tr>
<tr>
<td>□ Financial reports to the board/agendas/minutes</td>
<td>□ Parents</td>
</tr>
<tr>
<td>□ Financial practice policy</td>
<td>□ Other: __________</td>
</tr>
<tr>
<td>□ Procurement of curriculum materials</td>
<td></td>
</tr>
<tr>
<td>□ Evidence of fundraising efforts</td>
<td></td>
</tr>
<tr>
<td>□ Attendance management system, policies/procedures</td>
<td></td>
</tr>
<tr>
<td>□ Independent study procedures, documentation logs, student contracts, schedules, class lists, and policies if applicable</td>
<td></td>
</tr>
<tr>
<td>□ Other: _______________</td>
<td></td>
</tr>
</tbody>
</table>

**Findings:**

<table>
<thead>
<tr>
<th>Conclusion:</th>
<th>□ Exceeds requirements</th>
<th>□ Meets requirements</th>
<th>□ Approaching requirement</th>
<th>□ Does not meet requirement</th>
<th>□ Not reviewed</th>
</tr>
</thead>
<tbody>
<tr>
<td>IV</td>
<td><strong>Fidelity to Charter</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----</td>
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<td></td>
</tr>
<tr>
<td></td>
<td><em>The School implements all of its operations in accord with its approved charter, adheres to requirements for prior approval of material changes to the charter, and communicates as necessary with its authorizer regarding proposed departures from the charter.</em></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

4.1 **Adherence to Charter** – The School adheres to its charter as approved by the State Board of Education. The School implements the educational and other programs described in the charter. The School is meeting API and AYP growth targets.

4.2 **Material Amendments to the Charter** – The School understands it must submit *material* amendments to the charter for approval by the State Board of Education *prior* to making any material changes, including material changes to programs, enrollment, admissions preferences, governance structure, and/or the addition of new facilities.

4.3 **Adherence to Assurances** – The School adheres to assurances that it will not charge tuition, will be nonsectarian, and will be open to all students regardless of ethnicity, national origin, gender, or disability, and that those provisions of non-discrimination shall apply to employment also.

4.4 **Compliance with Laws and Regulations** – The School complies with all state and federal laws and regulations applicable to charter schools, and keeps informed of new developments and changes to existing laws/regulations.

4.5 **Open Admissions Process** – The School is open to any resident of the state, including students with special needs and English Language Learners. If applications exceed spaces available, the School conducts a random admissions process (lottery) that complies with state and federal procedures and preferences.

### Evidence Reviewed

**Findings:**

<table>
<thead>
<tr>
<th>Conclusion:</th>
<th>☐ Exceeds requirements</th>
<th>☐ Meets requirements</th>
<th>☐ Approaching requirement</th>
<th>☐ Does not meet requirement</th>
<th>☐ Not reviewed</th>
</tr>
</thead>
</table>

Memorandum of Understanding
Appendix D
Page 49 of 69

Sample Questions for Governing Board

1. Briefly describe the mission, vision, and goals of your School.

2. How do you develop plans to achieve those goals?

3. How do you monitor and evaluate staff performance?

4. What policies has the board adopted to support the mission and vision, and high student achievement that will result in a sustainable, high quality charter school?

5. How does the board set priorities for the expenditure of funds for the School?

6. What processes do you have in place to involve stakeholders in the School?

7. How do you ensure clear, two-way communication between the governing board and the stakeholders?

8. How often does the governing board meet to discuss fiscal issues, amend budgets, review cash flow, or make resource allocations to support the mission and vision of the School? Examples?

Sample Questions: Principal

1. How are parents and community members involved in School processes? How do you communicate your School goals to them?

2. How do you use data to drive instruction?

3. How is learning assessed at the classroom level? School-wide?

4. What interventions are used for students who aren’t mastering the curriculum? How are these monitored, both School-wide and at the classroom level? How are parents involved?

5. What subgroups do you monitor for performance/progress?

6. How do you determine staff development needs? What evidence do you have of the effectiveness of the professional development that you use?
7. Do teachers have regular collaborative planning time? How often? How is it structured and assessed?

8. How do you evaluate the School program?

9. How are internal controls implemented at the School? Examples?

10. What is the process you use for working with the board to establish budgetary priorities?

11. If the School contracts with an external vendor for services (such as back office services), what are the procedures for communicating information (compliance deadlines, new procedures, etc.) between both parties? How is the quality of the service assessed? How often?

12. What are the central features of the School’s charter?

13. Are there any provisions of the charter you are unable to implement?

14. How do you monitor the degree to which the School is meeting its stated learning goals and objectives?

15. Describe the student admission process.

16. How do you keep informed about changes to statutes and regulations that affect the School and charter schools generally?

Sample Questions: Teachers

1. What are some of the things that you like the most about the School?

2. How involved are you in the decision-making of the School?

3. How do you use data to differentiate the instruction for your students?

4. Tell us how you monitor student performance/progress for individual students and groups of students. How often is this done?
5. When and how often does the School monitor its progress overall, to ensure that the goals for each student are met?

6. What policies do you have in place for students who are frequently absent? Who initiates the intervention?

7. What professional development opportunities are currently available to you?

8. Do you have common planning time with your colleagues? When and by what grouping?

9. Is there a policy in place for sharing each other's practices?

10. If needed, how are decisions about changing the instructional plan made?

11. What kinds of support services does the School leadership provide to you as a teacher?

12. If you had a chance to make improvements in the School, what improvements would you recommend?

Sample Questions: Students

1. What do you think about your School? How satisfied are you with your School?

2. Do you find the instruction engaging? Give examples.

3. Do you feel that the staff respect and listen to the students?

4. Is there someone on the staff you feel comfortable with to confide issues and/or concerns you may have? Who?

5. If you are absent from School does anything happen? If so, what?

6. Are School goals and plans shared with students? How?

7. What types of activities does the School provide to help you academically?

8. If you had a chance to make improvements in the School, what improvements would you recommend?
Sample Questions: Parents

1. Does the School share its goals and plans with the parents? How does it do this? (meetings, letters, calls?)

2. Does the School invite you to come and share information which can be used to help develop a plan for your child?

3. Is attendance a high priority for the School? What happens when your child is absent?

4. What partnerships does the School have with outside agencies and how do they enhance the overall experience of the students at the School?

5. What are some of the things you like most about the School?

6. If you had a chance to make improvements in the School, what improvements would you recommend?

7. How active are the parents at this School? In what ways do they participate?
Sample Classroom Walk Through: Observation Data

<table>
<thead>
<tr>
<th>Teacher:</th>
<th>Room #:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade:</td>
<td>Course:</td>
</tr>
<tr>
<td>Date of Observation:</td>
<td>Time of Observation:</td>
</tr>
<tr>
<td>Observer:</td>
<td></td>
</tr>
</tbody>
</table>

**DOMINANT STUDENT AND TEACHER ACTIVITY** (Mark one in each area and then describe)

### Student Engagement

- Percent of students orientated to the work: All, Most, About Half, Some, Few

<table>
<thead>
<tr>
<th>Dominant Student Activity</th>
<th>Dominant Teacher Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>___ Whole class work</td>
<td>___ Direct Instruction (concept development)</td>
</tr>
<tr>
<td>___ Worksheet completion</td>
<td>___ Lecturing</td>
</tr>
<tr>
<td>___ Independent work</td>
<td>___ Frontloading (Anticipatory Set)</td>
</tr>
<tr>
<td>___ Cooperative learning groups</td>
<td>___ Monitoring independent work</td>
</tr>
<tr>
<td>___ Small group work</td>
<td>___ Assessment: informal formal</td>
</tr>
<tr>
<td>___ Other _____________</td>
<td>___ Sitting at desk</td>
</tr>
<tr>
<td>___ Other _____________</td>
<td>___ Other</td>
</tr>
</tbody>
</table>

**CONTENT/STANDARD**

*(WHAT are students learning)*

**CONTEXT**

*(HOW are students learning/ the assignment/ artifact)*

- Unit of Instruction
- Intervention Programs
- Behavior Standards *(posted and enforced)*

**EFFECTIVE TEACHING PRACTICES** *(Mark all noted)*

- ___ Standard/objective known by student
- ___ Checks for Understanding ___ Structured
- ___ White Boards ___ TPR ___ Random
- ___ Differentiation ___ IEP Implementation
- ___ ELD / SDAIE Strategies
- ___ Modalities Visual Auditory Kinesthetic
- Bloom's Taxonomy K C A A S E
- ___ Identifying Similarities and Differences
- ___ Summarizing and Note Taking
- Technology: OH/DC PP IWB M CRS IN C DS

---

**ELD / SDAIE Strategies:** Students Answer in Complete Sentences, Students Speaking 50% of Time, Instruction includes: Grammar and Verb Tense Study Charts, General and Content Vocabulary, Realia/Hands-on Materials/Manipulatives, Graphic Organizers, Think Aloud, Role Playing, Total Physical Response, Total Pupil Response
## Appendix E: School Closure Procedures Checklist

### Invoking Closure Procedures

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Lead Contact</th>
<th>Due Date</th>
<th>Verified</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>In the case of revocation or non-renewal, the California Department of Education (CDE) shall notify the charter school in writing that the closure procedures have been invoked. In the case of voluntary surrender, the charter school shall notify the CDE in writing that the closure procedures have been invoked.</td>
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</tbody>
</table>

### Immediate Actions

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<th>Item</th>
<th>Description</th>
<th>Lead Contact</th>
<th>Due Date</th>
<th>Verified</th>
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</thead>
<tbody>
<tr>
<td>2</td>
<td>The charter school shall immediately notify the CDE of the location of all student and business records. Following that notification, no student or business records shall be disposed of, moved, or duplicated without the express written consent of the CDE, except that student records may be copied for students’ families or transferred to other schools, provided a notation is kept of the records copied or transferred.</td>
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<td></td>
</tr>
</tbody>
</table>
### Item Description Lead Contact Due Date Verified

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
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<tbody>
<tr>
<td>3</td>
<td>The charter school and the CDE shall each immediately identify an individual who will serve as the single point of contact for the entity regarding the school's close out activities.</td>
</tr>
<tr>
<td>4</td>
<td>The CDE shall immediately notify the charter school in writing whether, on behalf of the State Superintendent of Public Instruction, it is taking over immediate and direct control of all the school's student and business records.</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
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<tr>
<td>8</td>
<td>The charter school shall notify surrounding school districts and the county office of education within fourteen days of the school’s forthcoming closure (or immediate closure if a revocation takes immediate effect).</td>
</tr>
<tr>
<td>9</td>
<td>The charter school shall provide information to students and families regarding alternative public school placements within 30 days of the announcement of the school’s forthcoming closure, or immediately in the case of a revocation that takes immediate effect.</td>
</tr>
<tr>
<td>10</td>
<td>The charter school shall offer to provide a copy of each student’s cumulative file upon request of the student’s family. The school shall provide the copy within seven days of a request being received, ensuring that the documents are given to the family member identified as having legal custody or guardianship of the student.</td>
</tr>
<tr>
<td>11</td>
<td>The charter school shall comply within seven days to requests for the transfer of students’ cumulative files to other public or private schools in which the students enroll.</td>
</tr>
<tr>
<td>12</td>
<td>The charter school shall respond within seven days to inquiries from students and their families and from the media regarding the school’s closure, the disposition of student and business records, and the alternative placement available to the students.</td>
</tr>
<tr>
<td>13</td>
<td>The charter school shall provide the CDE within fourteen days with a list of students (names, addresses and phone numbers) in each grade level and the classes they have completed. Identify each student’s district of residence, and a notation of where the student’s records have been transferred.</td>
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<td>Item</td>
<td>Description</td>
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<tr>
<td>14</td>
<td>The charter school, if a local educational agency (LEA) in a special education local planning area (SELPA), shall notify the SELPA within fourteen days of the closure, complete all documentation necessary for special education students and transfer copies of the student’s records to the SELPA.</td>
</tr>
<tr>
<td>15</td>
<td>The CDE shall respond promptly to inquiries from students and their families and from the media as necessary.</td>
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</tbody>
</table>

**Student and Business Records**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Lead Contact</th>
<th>Due Date</th>
<th>Verified</th>
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<tbody>
<tr>
<td>16</td>
<td>Once the closure procedures have been invoked, no student or business records shall be disposed of, moved, or duplicated without the express written consent of the CDE, except for the duplication or transfer of student cumulative files as noted.</td>
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<tr>
<td>17</td>
<td>At the point the charter school is dissolved, the student and business records shall come under the exclusive control of the CDE which shall distribute, maintain, or dispose of the records as it determines appropriate.</td>
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<tr>
<td>18</td>
<td>The charter school shall terminate all present leases, service agreements and other contracts not necessary for the close out of the school. Leases, service agreements, and contracts should be terminated in a cost effective manner in order to minimize expenses.</td>
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<tr>
<td>Item</td>
<td>Description</td>
<td>Lead Contact</td>
<td>Due Date</td>
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<tr>
<td>19</td>
<td>The charter school shall return grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law as appropriate. A final expenditure report for all grants will be submitted within fourteen days. Federal grants must be closed out, including the filing of the required Final Expenditure Reports and Final Performance Reports. Federal Forms 269 and 269a may apply if the school was receiving funds directly from the U.S. Department of Education.</td>
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<tr>
<td>20</td>
<td>Close all financial records of the school as of revocation or closure date.</td>
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</tbody>
</table>

**Faculty and Staff**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Lead Contact</th>
<th>Due Date</th>
<th>Verified</th>
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<tbody>
<tr>
<td>21</td>
<td>The charter school shall immediately notify its faculty and staff of the school’s closure, providing each with necessary information related to compensation and retirement, including, but not limited to, any optional benefits that they may continue after the school closes.</td>
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<tr>
<td>22</td>
<td>The charter school shall provide the CDE within fourteen days with a description of current and projected payroll and payroll benefits commitments through closure, including a list of each employee, and their job duties, and a projection of the funds necessary to: (1) transition the students and records; (2) complete all administrative closure related tasks; and (3) complete contracts and grants.</td>
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<tr>
<td>Item</td>
<td>Description</td>
<td>Lead Contact</td>
<td>Due Date</td>
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<tr>
<td>23</td>
<td>The charter school shall provide CDE within fourteen days with notice of any outstanding payments to staff and the method by which the school will make the payments.</td>
<td></td>
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<tr>
<td>24</td>
<td>The charter school will within fourteen days contact the California State Teachers’ Retirement System (CalSTRS), California Public Employees’ Retirement System (CalPERS), and the county office of education and follow their procedures for dissolving contracts and reporting, copying the CDE on all correspondence.</td>
<td></td>
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<tr>
<td>25</td>
<td>Prior to final closeout, the charter school shall do all of the following on behalf of the school’s employees:</td>
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<tr>
<td></td>
<td>• File all final federal, state, and local employer payroll tax returns and issue final W-2s and Form 1099s by the statutory deadlines.</td>
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<tr>
<td></td>
<td>• File the Federal Notice of Discontinuance with the Department of Treasury (Treasury Form 63).</td>
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<tr>
<td></td>
<td>• Make final federal tax payments (employee taxes, etc.)</td>
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<tr>
<td></td>
<td>• File the final withholding tax return (Treasury Form 165).</td>
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<tr>
<td></td>
<td>• File the final return with the IRS (Form 990 and Schedule).</td>
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</tbody>
</table>
## Assets and Liabilities

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Lead Contact</th>
<th>Due Date</th>
<th>Verified</th>
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<tbody>
<tr>
<td>26</td>
<td>The charter school shall notify all funding sources (including charitable partners) of the school's closure within fourteen days.</td>
<td></td>
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<tr>
<td>27</td>
<td>The charter school shall immediately notify all contractors (such as a charter management organization, education management organization, food service provider, instructional service provider, or transportation service provider) of the school's closure.</td>
<td></td>
<td></td>
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<tr>
<td>28</td>
<td>If the charter school has any agreements with organizations representing employees, the charter school shall notify the organizations of the school’s closure as may be specified in the agreements.</td>
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<td></td>
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<tr>
<td>29</td>
<td>The charter school shall notify the CDE within fourteen days of all pending litigation to which the school is a party. The charter school shall immediately notify the CDE if litigation is filed thereafter up to the point that the school is formally dissolved.</td>
<td></td>
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<tr>
<td>30</td>
<td>The charter school, within 30 days, shall prepare and deliver to the CDE a comprehensive list of creditors and debtors.</td>
<td></td>
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<tr>
<td>31</td>
<td>The charter school, within 30 days, shall prepare and deliver to the CDE a comprehensive inventory of all assets.</td>
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<tr>
<td>Item</td>
<td>Description</td>
<td>Lead Contact</td>
<td>Due Date</td>
<td>Verified</td>
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<td>------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>32</td>
<td>The charter school, within 30 days, shall prepare and deliver to the CDE a plan for the proposed disposal of all property owned by the school (and acquired with public funds) in order to maximize revenue in accordance with law, payment of any and all liabilities and the disbursement of any remaining assets of the school, liquidation of assets to pay off any and all outstanding liabilities, bearing in mind that assets paid for by state funds may be transferred in accordance with the nonprofit corporation’s bylaws to another public agency such as another charter school. Assets donated to the school may be returned to donors or disposed of in accordance with donor’s wishes. Net assets, (after the payment of outstanding liabilities), if any, may be transferred to another public agency such as another charter school.</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>33</td>
<td>The charter school shall arrange for preliminary (if necessary) and final closure audits to be paid for from the special reserve or bond revenue. The auditor engaged to perform the audit(s) shall be from the list of approved school auditors maintained by the California State Controller’s Office and shall be approved by the CDE. The audit(s) at a minimum shall determine the disposition of all assets and liabilities of the charter school and shall verify the school’s comprehensive list of creditors and debtors, and the amounts owed or owing, as well as verify the school’s comprehensive list of all assets by source, noting any restrictions on each asset’s use.</td>
<td></td>
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</tr>
<tr>
<td>34</td>
<td>Based on the audit findings, and with the approval of the CDE, the charter school shall expend any identified assets to liquidate any identified liabilities.</td>
<td></td>
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</tbody>
</table>
## Dissolution of the School (Corporate) Entity

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Lead Contact</th>
<th>Due Date</th>
<th>Verified</th>
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<tbody>
<tr>
<td>35</td>
<td>Following the resolution of all outstanding assets and liabilities, the charter school shall be dissolved. If established as a nonprofit public benefit corporation pursuant to California <em>Education Code</em> Section 47604, the corporation shall be dissolved.</td>
<td></td>
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</tbody>
</table>
## Reporting Period

- **Preliminary Budget**—Due July 1
- **First Interim Report Reflecting Changes Through October 31**—Due December 15
- **Second Interim Report Reflecting Changes Through January 31**—Due March 15

## Budget Assumptions

<table>
<thead>
<tr>
<th>Current Fiscal Year</th>
<th>Grades K–3</th>
<th>Grades 4–6</th>
<th>Grades 7–8</th>
<th>Grades 9–12</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Purpose Entitlement per Average Daily Attendance (ADA)</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Categorical Block Grant Entitlement per ADA</td>
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<tr>
<td>ADA</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Unaudited Actuals Prior Year</td>
<td>Adopted Budget Current Year</td>
<td>First Interim Current Year</td>
<td>Second Interim Current Year</td>
</tr>
<tr>
<td>---------------------</td>
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<td>-----------------------------</td>
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</tr>
<tr>
<td>ADA (use prior year Second Principal Apportionment [P-2])</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Certificated Salary Cost of Living Adjustment (COLA)—% and Total (if % varies, include total $ only)</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Are Salary and Benefit Negotiations Finalized? Yes or No</td>
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<tr>
<td>Classified Salary COLA—% and Total $ (if % Varies, Include Total $ Only)</td>
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</tbody>
</table>
### Additional Supplemental Information

- Include a narrative discussion of assumptions used in the current and two subsequent fiscal years, including:
  
  1. Source of Data. (Example: School Services of California dartboard)
  
  2. Change and cause. (Example: health benefit costs increased from and estimated 15% at budget adoption to 18% at first interim based on actual renewal rates from ABC group.)
3. Effect. (Example: resulting in a health benefit cost increase of $3,000.)

- Provide projected growth in ADA, include details regarding the impact to cash flow, facilities, assets/liabilities, etc.

- Identify current staffing levels/positions and provide projected growth for two subsequent fiscal years. Include justification for significant increases in staff and/or salaries that are not aligned with an increase in ADA.

- Provide cash flow statements for the current and two subsequent fiscal years.

- Provide detail of state, federal, and local revenues by source for current and two subsequent fiscal years.

- Provide a profit and loss statement.

- Include a narrative discussion and reason for significant changes between the current reporting period and the prior reporting period in ADA, state, local, and federal revenues, expenditure categories, other financing sources and uses of funds, and components of ending fund balance. For example, compare adopted budget to prior year unaudited actual revenues and expenditures, first interim report to adopted budget, second interim report to first interim report; etc.

- Compare the change in fund balance for the budget and two prior years. Provide an explanation if the fund balance has declined for the last two fiscal years.

- Identify all multiyear fiscal obligations, excluding salaries and benefits, for the next three years and identify the resources used to service those commitments.

- Identify any potential or contingent liabilities that may affect the budget.

- If a significant percentage of ongoing expenditures are funded with one-time resources, explain how the one-time resources will be replaced to continue funding the ongoing expenditures in the following years.
Appendix G: California Department of Education Internet Resources

The following links to the California Department of Education (CDE) Web site are provided as a resource only.

**CDE Listservs and Calendars**

CDE Calendar of Events (Holidays and other recognized events):  
[http://www.cde.ca.gov/re/pn/fb/yr10calendar.asp](http://www.cde.ca.gov/re/pn/fb/yr10calendar.asp)

Conference Calendar (Statewide and national education conferences of interest):  
[http://www.cde.ca.gov/re/ca/cc/](http://www.cde.ca.gov/re/ca/cc/)

Directory of Selected CDE Listservs:  

CDE Charter School Listserv:  
[http://www.cde.ca.gov/sp/cs/re/cscommlists.asp](http://www.cde.ca.gov/sp/cs/re/cscommlists.asp)

CDE All Assessments Listserv:  

Family Area Network Listserv (Scroll down the page to locate):  
[http://www.cde.ca.gov/ls/pf/pf/](http://www.cde.ca.gov/ls/pf/pf/)

Funding Listserv:  

**2010–11 Student Testing Information**

Student Testing Dates and Information:  

North/South Fall 2010 Information Meeting Information:  

All Assessments E-mail List:  

**Special Education Resources**

CDE Special Education Services and Resources Web page:  
[http://www.cde.ca.gov/sp/se/sr/](http://www.cde.ca.gov/sp/se/sr/)
SELPA Out-of-Geographic Area Charter School Process Information:
http://www.cde.ca.gov/sp/se/sr/oogselpachrtr.asp

Data Collection Information

CDE Data Collections (Including CBEDS, CALPADS, CSIS, and Language Census): http://www.cde.ca.gov/ds/dc/

Facilities Information

School Site Selection and Approval Guide:
http://www.cde.ca.gov/ls/fa/sf/schoolsiteguide.asp

Document Translation

Clearinghouse for Multilingual Documents (Provides free access to many translated documents contributed by LEAs and the CDE):
http://www.cde.ca.gov/ls/pf/cm/

Fiscal Information

CDE Fiscal Calendars: http://www.cde.ca.gov/re/ca/fc/

CDE Finance & Grants Web page: http://www.cde.ca.gov/fg/

Audit Resources: http://www.cde.ca.gov/fg/au/

Education Audit Appeals Panel - Audit Guide: http://www.eaap.ca.gov/ (Outside Source)


Categorical Programs Fiscal Information (information for most formula driven programs): http://www.cde.ca.gov/fg/aa/ca/

CDE Funding: http://www.cde.ca.gov/fg/fo/

Funding Listserv: http://www.cde.ca.gov/fg/fo/af/joinlist.asp
Charter Schools Annual Information Survey: (Charter data reported to CDE on this survey may be accessed by clicking “Print a Survey” and navigating through the drop down menus) http://www.cde.ca.gov/sp/cs/ac/csinfosvy0910.asp

Consolidated Application: (Refer to “Program Profiles” for information on individual federal programs) http://www.cde.ca.gov/fg/aa/co/


Lottery: http://www.cde.ca.gov/fg/aa/lo/

Principal Apportionment (General Purpose Entitlement & Categorical Block Grant): (Refer to fiscal year for respective Principal Apportionment Exhibits Charter School Funding Rates for 2009-10 [historical funding rates included]): http://www.cde.ca.gov/fg/aa/pa/index.asp and http://www.cde.ca.gov/fg/aa/pa/blockgrantrates09.asp

Charter School Categorical Block Grant Programs: http://www.cde.ca.gov/fg/aa/ca/charterschools.asp

Principal Apportionment Attendance Software: http://www.cde.ca.gov/fg/sf/aa/

Title I (programmatic information): http://www.cde.ca.gov/sp/sw/

Assessment Apportionment Information: http://www.cde.ca.gov/fg/fo/profile.asp?id=1873
## SUBJECT


### RECOMMENDATION

The California Department of Education (CDE) and the Advisory Commission on Charter Schools (ACCS) recommend that the State Board of Education (SBE) hold a public hearing and approve the petition to renew the Long Valley Charter School (LVCS) under the oversight of the SBE. The CDE also recommends that the ACCS recommend that the SBE incorporate the following provisions in its approval action:

- The SBE’s Conditions on Opening and Operation as set forth in Attachment 1.
- Modifications to the charter in accordance with the CDE report as set forth in detail in Attachment 2, and as follows:
  - Description of Educational Program, California Education Code (EC) Section 47605(b)(5)(A) and California Code of Regulations, Title 5 (5 CCR), Section 11967.5.1(f)(1): clarify aspects of the LVCS educational program, including a description of the high school curriculum and independent study program.
  - Pupil Outcomes, EC Section 47605(b)(5)(B): clarify that LVCS will meet or exceed its Academic Performance Index (API) growth targets both school wide and in reportable subgroups.
  - Employee Qualifications, EC Section 47605(b)(5)(E): clarify position qualifications and responsibilities for teachers and non-instructional staff.
  - Vision, Hearing, Scoliosis Testing, EC Section 47605(b)(5)(F): clarify procedures for all vision, hearing and scoliosis testing.
RECOMMENDATION (Cont.)

- Racial and Ethnic Balance, EC Section 47605(b)(5)(G) and 5 CCR Section 11967.5.1(f)(7): clarify that the outreach plan will be regularly reviewed and revised as necessary to ensure racial and ethnic balance.

- Admission Requirements, EC Section 47605(b)(5)(H) and 5 CCR Section 11967.5.1(f)(8): clarify that district residents will have priority over non-district residents, including siblings of enrolled pupils.

- Annual Independent Financial Audits, EC Section 47605(b)(5)(I): revise to reflect consistency with the standards and procedures adopted by the Education Audit Appeals Panel (EAAP) and referral of disputes to the EAAP pursuant to EC Section 41344.

- Suspension and Expulsion Procedures, EC Section 47605(b)(5)(J): include a process for the suspension and expulsion of pupils with disabilities that aligns with state and federal legal requirements and to provide an assurance that the policies and procedures surrounding suspension and/or expulsion will be amended periodically. In addition, the preliminary list of offenses for which students may be suspended must be separate from the list of offenses for which students may be expelled.

- California State Teachers Retirement System (CalSTRS), California Public Employees Retirement System (CalPERS), and Social Security Coverage, EC Section 47605(b)(5)(K): clarify the positions to be covered under each system and the LVCS staff responsible for ensuring that appropriate arrangements for retirement coverage have been made for all employees.

- Public School Attendance Alternatives, EC Section 47605(b)(5)(L) and 5 CCR Section 11967.5.1(f)(12): clarify how information regarding attendance alternatives will be communicated to parents.

- Dispute Resolution Procedures, EC Section 47605(b)(5)(N): revise to reflect SBE authorization that address all SBE dispute resolution requirements for SBE-authorized charter schools.


- Termination of the charter if the school does not resume operations between July 1 and September 30, 2010.

- In accordance with the standard Memorandum of Understanding among the SBE, the CDE, and SBE-authorized charter schools, if the school fails to meet its API growth targets in a given year, either schoolwide or by numerically significant subgroups, or if the school fails to make Adequate Yearly Progress (AYP), it will be required to prepare a Student Achievement Plan (SAP) by October 1 of the
RECOMMENDATION (Cont.)

year following the year in which the school failed to meet API targets or AYP. The SAP shall be approved by the SBE at its January meeting, and the SBE may require the school to submit additional reports to the SBE at subsequent meetings.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since 1992, 74 charter petition appeals have been submitted to the SBE for consideration. Of these 74, the SBE approved 30 petitions on appeal of local denial, 28 petitions were withdrawn by the petitioners prior to formal consideration by the SBE, the SBE denied 10 petitions, the SBE did not take formal action on 3 petitions, and 3 petitions are before the SBE today.

Of the 30 petitions approved by the SBE since 1992, 29 charter schools are currently operating under SBE oversight, and 9 charter schools are no longer under SBE oversight due to charter renewal at the local level, abandonment, and revocation. Of the 29 charter schools currently operating under SBE oversight, the SBE approved 15 on appeal of local denial, 11 under 3 statewide benefit charters, and the SBE renewed 3 charter schools on appeal of local denial.

SUMMARY OF KEY ISSUES

LVCS has been operating as a conversion charter school in the Fort Sage Unified School District (Fort Sage USD) since 2000. Fort Sage USD granted LVCS a renewal of its petition on November 17, 2004, for a five-year term from 2005 to 2010. The LVCS renewal petition was denied by the Fort Sage USD governing board on January 20, 2010. LVCS submitted an appeal to the Lassen County Board of Education (Lassen CBE) that was denied on March 29, 2010. Pursuant to EC Section 47605(j), petitioners for a charter school that has been denied at the local level may petition the SBE for approval of the charter, subject to certain conditions.

LVCS is located in Doyle, California, an isolated, rural community that is located more than 41 miles from the closest city of Susanville, California. LVCS serves 107 kindergarten through eighth grade students in a site-based program and 165 kindergarten through grade twelve students in a nonclassroom-based independent studies program. Demographically, students at LVCS are similar to those in the other Fort Sage USD schools.

The LVCS 2009 Base API score of 739 is the highest in the Fort Sage USD, and LVCS has exceeded its growth targets both schoolwide and in its reported subgroups. LVCS met 2009 Adequate Yearly Progress (AYP) goals in 10 out of 10 criteria. It was the only school in the Fort Sage USD to meet its AYP goals. In 2009, LVCS received a statewide decile ranking of 3 and a similar schools decile ranking of 4. The other schools in the Fort Sage USD were too small to receive similar schools decile rankings. The Fort Sage USD primary and middle schools each earned a statewide decile rank of 1, and the high school earned a statewide ranking of 3.
SUMMARY OF KEY ISSUES (Cont.)

EC Section 47607(b) requires that a charter school meet at least one of the following criteria prior to receiving a charter renewal:

- Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years
- Attained a statewide API decile ranking of 4 or higher in the prior year or in two of the last three years
- Attained a similar schools API decile ranking of 4 or higher in the prior year or in two of the last three years
- Academically outperformed neighboring schools or any schools its pupils would otherwise be required to attend

To form its recommendation, the CDE and the ACCS reviewed the LVCS petition, results from statewide assessments, and the LVCS budget and cash flow reports. Based on the materials reviewed, the CDE finds that the LVCS petition includes all of the elements required under statute and regulation for the establishment of a charter school. In addition, LVCS meets the requirements for the renewal of a charter school as specified in EC Section 47607(b) as it attained its API growth target in the prior year, it received a decile rank of four on the API as compared to demographically similar schools, and its academic performance based on API and AYP data exceeds the academic performance of schools its students would otherwise attend.

Furthermore, the CDE finds that granting the LVCS charter is sound educational practice for the following reasons: the petition describes a site-based and independent study program likely to meet the needs of pupils within the community where the school is located. The guiding principles of the LVCS educational program are based on the Efficacy Approach, which affirms that one is not “born smart,” but one “gets smart” through hard work and appropriate support. To this end, each student at LVCS develops a Student Goal Plan (SGP), an individually defined program developed by the teacher, parent, and student. The SGP is tied to measurable outcomes and assessments and students and parents receive reports throughout the year indicating progress toward the goals in the SGP.

In addition, the CDE finds that the petitioners are demonstrably likely to implement the program set forth in the petition, and the petition contains reasonably comprehensive descriptions of the 16 elements pursuant to EC Section 47605(b)(5).

Technical amendments are needed for clarification and to reflect SBE authorization; however, the CDE concludes that none of these amendments is substantive. The LVCS petitioners have agreed to incorporate all of the amendments identified in the CDE report into the final LVCS charter, which is one of the requirements under the SBE’s Conditions on Opening and Operation.
SUMMARY OF KEY ISSUES (Cont.)

The LVCS petition was considered by the ACCS on June 16, 2010. By a vote of seven to zero, the ACCS recommended that the SBE approve the establishment of LVCS subject to (1) incorporation of all amendments identified in the CDE report; and (2) meeting the SBE’s Conditions on Opening and Operation.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, this school would receive apportionment funding under the charter school block grant funding model. Funding is based on the statewide average funding levels for each grade span (kindergarten through grade three, grades four through six, grades seven through eight, and grades nine through twelve). Calculations use revenue limits for unified, elementary and high school districts.

ATTACHMENT(S)

Attachment 1: SBE Conditions on Opening and Operation (2 Pages)
Attachment 2: CDE Charter School Petition Review Form (51 Pages)
Attachment 3: LVCS charter and appendixes (46 Pages)
Attachment 4: Fort Sage USD reasons for denial and petitioner’s response (43 Pages)
Attachment 5: Lassen CBE reasons for denial and petitioner’s response (9 Pages)
**STATE BOARD OF EDUCATION**
**CONDITIONS ON OPENING AND OPERATION**

- **Insurance Coverage.** Not later than **July 1, 2010**, (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings.

- **MOU/Oversight Agreement.** Not later than TBD, either (a) accept an agreement with the State Board of Education (SBE), administered through the California Department of Education (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 California Education Code (EC) Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.

- **Special Education Local Plan Area Membership.** Not later than TBD, submit written verification of having applied to a Special Education Local Plan Area (SELPA) for membership as a local educational agency and, not later than **July 1, 2010**, 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.** Not later than **July 1, 2010**, 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, not later than TBD, 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, identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR) program 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.** Not later than **July 1, 2010**, 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.** Not later than **July 1, 2010**, present written agreements (e.g., a lease or similar document) indicating the school’s right to use the principal school sites and any ancillary facilities identified by the petitioners for at least the first year of each school’s operation and evidence that the facilities will be adequate for the school’s needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.

• **Zoning and Occupancy.** Not less than 30 days prior to the school’s opening, present evidence that each school’s facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the SBE may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.

• **Final Charter.** Not later than TBD, 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 staff. Satisfaction of this condition is determined by the Executive Director of the SBE based primarily on the advice of the Director of the Charter Schools Division.

• **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 Public Employees’ Retirement System (PERS) and the State Teachers’ Retirement System (STRS).

• **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 TBD, approval of the charter is terminated.
<table>
<thead>
<tr>
<th>Petitioner</th>
<th>Long Valley Charter School</th>
<th>Evaluator</th>
<th>Bonnie Galloway</th>
</tr>
</thead>
</table>

**Key Information Regarding:**

<table>
<thead>
<tr>
<th>Grade Span and Build-out Plan</th>
<th>The school currently serves 107 kindergarten through eighth grade students in a site-based program and 165 kindergarten through grade twelve students in a nonclassroom-based independent studies program.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Long Valley Charter School (LVCS) is currently located at 436-965 Susan Drive, Doyle, California 96109. Doyle, California, is an isolated, rural community that is located 41 miles from the closest city of Susanville, California.</td>
</tr>
<tr>
<td>Brief History</td>
<td>The LVCS petition was initially approved for a five-year term by Fort Sage Unified School District (Fort Sage USD) on June 1, 2000, and renewed for a five-year term by Fort Sage USD on November 17, 2004. LVCS submitted a subsequent renewal petition to Fort Sage USD on November 18, 2009, and was denied on January 20, 2010, by a vote of five to zero. LVCS appealed to the Lassen County Board of Education (Lassen CBE), which denied the petition on March 29, 2010, by a vote of five to zero.</td>
</tr>
<tr>
<td>Founding Group</td>
<td>This renewal charter was submitted by the LVCS Board of Directors of LVCS and its Financial Director, Pam Auld.</td>
</tr>
</tbody>
</table>

**Overall California Department of Education Evaluation**

The LVCS petition includes all of the elements required under statute and regulation for the renewal of a charter school. The California Department of Education (CDE) recommends approval of the LVCS petition as the LVCS charter meets the pre-requisites for renewal under California Education Code (EC) Section 47607(b) by attaining its API growth target in the prior year, receiving a decile rank of four on the API as compared to demographically similar schools, and by exceeding the academic performance of schools its students would otherwise attend. In addition, the petition describes an educational program likely to meet the needs of pupils within the community where the school will locate; petitioners are demonstrably likely to implement the program set forth in the petition; the petition includes the required affirmations; and the petition contains reasonably comprehensive descriptions of the 16 elements pursuant to EC Section 47605(b)(5).

A number of technical amendments are needed for clarification and to reflect SBE authorization; however, none of these amendments are deemed substantive. The LVCS petitioners have agreed to incorporate all of the amendments identified in this report into the final LVCS charter, which is one of the requirements under the State Board of Education (SBE) Conditions on Opening and Operation, as follows:

- The SBE’s Conditions on Opening and Operation as set forth in Attachment 1.
### Overall California Department of Education Evaluation

- Modifications to the charter in accordance with the CDE report as set forth in detail in this attachment, and as follows:

  - **Description of Educational Program**, *EC Section 47605(b)(5)(A) and California Code of Regulations*, Title 5 (5 CCR), Section 11967.5.1(f)(1): clarify aspects of the LVCS educational program, including a description of the high school curriculum and independent study program

  - **Pupil Outcomes**, *EC Section 47605(b)(5)(B)*: clarify that LVCS will meet or exceed its Academic Performance Index (API) growth targets both school wide and in reportable subgroups

  - **Employee Qualifications**, *EC Section 47605(b)(5)(E)*: clarify position qualifications and responsibilities for teachers and non-instructional staff

  - **Vision, Hearing, Scoliosis Testing**, *EC Section 47605(b)(5)(F)*: clarify procedures for all vision, hearing and scoliosis testing

  - **Racial and Ethnic Balance**, *EC Section 47605(b)(5)(G) and 5 CCR Section 11967.5.1(f)(7)*: clarify that the outreach plan will be regularly reviewed and revised as necessary to ensure racial and ethnic balance

  - **Admission Requirements**, *EC Section 47605(b)(5)(H) and 5 CCR Section 11967.5.1(f)(8)*: clarify that district residents will have priority over non-district residents, including siblings of enrolled pupils

  - **Annual Independent Financial Audits**, *EC Section 47605(b)(5)(I)*: revise to reflect consistency with the standards and procedures adopted by the Education Audit Appeals Panel (EAAP) and referral of disputes to the EAAP pursuant to *EC Section 41344.*

  - **Suspension and Expulsion Procedures**, *EC Section 47605(b)(5)(J)*: include a process for the suspension and expulsion of pupils with disabilities that aligns with state and federal legal requirements and to provide an assurance that the policies and procedures surrounding suspension and/or expulsion will be amended periodically. In addition, the preliminary list of offenses for which students may be suspended must be separate from the list of offenses for which students may be expelled

  - **California State Teachers Retirement System (CalSTRS), California Public Employees Retirement System (CalPERS),**
Overall California Department of Education Evaluation

and Social Security Coverage, EC Section 47605(b)(5)(K): clarify the positions to be covered under each system and the LVCS staff responsible for ensuring that appropriate arrangements for retirement coverage have been made for all employees

- Public School Attendance Alternatives, EC Section 47605(b)(5)(L) and 5 CCR Section 11967.5.1(f)(12): clarify how information regarding attendance alternatives will be communicated to parents

- Dispute Resolution Procedures, EC Section 47605(b)(5)(N): revise to reflect SBE authorization that address all SBE dispute resolution requirements for SBE-authorized charter schools


- Termination of the charter if the school does not open between July 1 and September 30, 2010.

- In accordance with the standard Memorandum of Understanding among the SBE, the CDE, and SBE-authorized charter schools, if the school fails to meet its API growth targets in a given year, either schoolwide or by numerically significant subgroups, or if the school fails to make Adequate Yearly Progress (AYP), it will be required to prepare a Student Achievement Plan (SAP) by October 1 of the year following the year in which the school failed to meet API targets or AYP. The SAP shall be approved by the SBE at its January meeting, and the SBE may require the school to submit additional reports to the SBE at subsequent meetings.

The CDE recommends that the LVCS charter be approved, subject to incorporation of all amendments identified in this report, up to and including action taken by the SBE. In addition, the CDE recommends the inclusion of the SBE’s Conditions on Opening and Operation, which are:

- Insurance Coverage—Not later than (DATE TO BE DETERMINED [TBD]) (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings.

- Memorandum of Understanding (MOU)/Oversight Agreement—Not later than TBD, either: (a) accept an agreement with the
## Overall California Department of Education Evaluation

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.

<table>
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<tr>
<th>Condition</th>
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<tr>
<td>• Special Education Local Plan Area (SELPA) Membership—Not later than TBD, submit written verification of having applied to a SELPA for membership as a local educational agency (LEA) and, not later than TBD, 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.</td>
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<td>• Educational Program—Not later than TBD, 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, not later than TBD, submit the complete educational program for pupils to be served in the first year including, but not limited to: (1) a description of the curriculum and identification of the basic instructional materials to be used; (2) plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials; and (3) identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR) Program 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.</td>
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<td>• Student Attendance Accounting—Not later than TBD, 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.</td>
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<td>• Facilities Agreements—Not later than TBD, present written agreements (e.g., a lease or similar document) indicating the school's</td>
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## Overall California Department of Education Evaluation

- **Right to Use Principal School Site:**
  - Petitioners must have the right to use the principal school site and any ancillary facilities identified by them for at least the first year of the school's operation (as an SBE-chartered school) and evidence that the facilities will be adequate for the school's needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.

- **Zoning and Occupancy:**
  - Not less than 30 days prior to the school's opening, present evidence that the school's facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the SBE may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days. Satisfaction of this condition should be determined by the Executive Director of the SBE, based primarily on the advice of the Director of the School Facilities Planning Division.

- **Final Charter:**
  - Not later than TBD, 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 staff.

- **Processing of Employment Contributions:**
  - Present evidence that the school has made appropriate arrangements for the processing of the employees’ retirement contributions to CalPERS and CalSTRS.

- **Operational Date:**
  - If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation within one year of the charter petition's approval by the SBE, approval of the charter is terminated.
## Sound Educational Practice

**EC Section 47605(b)**
5 CCR Section 11967.5.1(a)

### Evaluation Criteria

For purposes of *EC Section 47605(b)*, a charter petition shall be “consistent with sound educational practice” if, in the SBE’s judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll in order for the charter to be granted by the SBE.

### Is the charter petition “consistent with sound educational practice?”

**Yes**

**Comments:**
The LVCS petition proposes an educational program that is likely to be of educational benefits to the pupils who attend the school. The LVCS 2009 Base API score of 739 is the highest in the Fort Sage USD, and LVCS has exceeded its growth targets both schoolwide and in its reported subgroups. LVCS met 2009 Adequate Yearly Progress (AYP) goals in 10 out of 10 criteria. It was the only school in the Fort Sage USD to meet its AYP goals. In 2009, LVCS received a statewide decile ranking of 3 and a similar schools decile ranking of 4. The other schools in the Fort Sage USD were too small to receive similar schools decile rankings. The Fort Sage primary and middle schools each earned a statewide ranking of 1, and the high school earned a statewide ranking of 3.

## Unsound Educational Practice

**EC Section 47605(b)(1)**
5 CCR Section 11967.5.1(b)

### Evaluation Criteria

For purposes of *EC Section 47605(b)(1)*, a charter petition shall be “an unsound educational program” if it is either of the following:

1. A program that involves activities that the SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.

2. A program that the SBE determines not likely to be of educational benefit to the pupils who attend.
### Unsound Educational Practice

**EC Section 47605(b)(1)**  
**5 CCR Section 11967.5.1(b)**

<table>
<thead>
<tr>
<th>Does the charter petition present evidence of “an unsound educational program?”</th>
<th>No</th>
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<tbody>
<tr>
<td><strong>Comments:</strong></td>
<td></td>
</tr>
<tr>
<td>There is nothing in the LVCS petition indicating that its educational program is unsound. Based on API and AYP data, LVCS provides students a higher-performing academic program than the other schools in the Fort Sage USD and the districts from which LVCS independent study students reside. Among students in the independent study program, 82 percent of students reside in districts that did not meet AYP goals, and 85 percent of students reside in districts with AYP percent proficient rates in ELA and mathematics that generally range from 5 to 20 percent lower than percent proficient rates at LVCP.</td>
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<tr>
<td>There is no reasonable evidence to suggest that students at LVCS would suffer harm from any program at LVCS or not be more likely to show academic achievement than if they attended the other schools in their districts of residence.</td>
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</table>

### Demonstrably Unlikely to Implement the Program

**EC Section 47605(b)(2)**  
**5 CCR Section 11967.5.1(c)**

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For purposes of <em>EC Section 47605(b)(2)</em>, the SBE shall take the following factors into consideration in determining whether charter petitioners are &quot;demonstrably unlikely to successfully implement the program.&quot;</td>
<td></td>
</tr>
<tr>
<td>(1) If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners’ control.</td>
<td></td>
</tr>
<tr>
<td>(2) The petitioners are unfamiliar in the SBE’s judgment with the content of the petition or the requirements of law that would apply to the proposed charter school.</td>
<td></td>
</tr>
<tr>
<td>(3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (as specified).</td>
<td></td>
</tr>
<tr>
<td>(4) The petitioners personally lack the necessary background in the following areas critical to the charter school’s success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.</td>
<td></td>
</tr>
</tbody>
</table>
### Demonstrably Unlikely to Implement the Program

**EC Section 47605(b)(2) 5 CCR Section 11967.5.1(c)**

<table>
<thead>
<tr>
<th>Are the petitioners &quot;demonstrably unlikely to successfully implement the program?&quot;</th>
<th>No</th>
</tr>
</thead>
</table>

**Comments:**
The LVCS history demonstrates academic success. The LVCS petition demonstrates that the petitioners are likely to continue to implement the program as set forth in the charter petition. LVCS appears to have a reasonable comprehension of the requirements of law and a solid background in the educational, financial, organizational, and legal aspects of operating a charter school.

The LVCS petitioners have also presented a realistic operational plan and a financial plan that appears sustainable. The LVCS budget appears to be balanced and meets the recommended levels of reserves identified in 5 CCR Section 15450. The petitioners provide their own business management services for the school.

### Required Number of Signatures

**EC Section 47605(b)(3) 5 CCR Section 11967.5.1(d)**

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>For purposes of EC Section 47605(b)(3), a charter petition that “does not contain the number of signatures required by [law]”…shall be a petition that did not contain the requisite number of signatures at the time of its submission…</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Does the petition contain the required number of signatures at the time of its submission?</th>
<th>N/A</th>
</tr>
</thead>
</table>

**Comments:** Signatures are not required for a renewal petition.

### Affirmation of Specified Conditions

**EC Section 47605(b)(4) EC Section 47605(d) 5 CCR Section 11967.5.1(e)**

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
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</thead>
<tbody>
<tr>
<td>For purposes of EC Section 47605(b)(4), a charter petition that &quot;does not contain an affirmation of each of the conditions described in [EC Section 47605(d)]&quot;…shall be a petition that fails to include a clear, unequivocal affirmation of each such condition. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in EC Section 47605(d).</td>
</tr>
<tr>
<td>Affirmation of Specified Conditions</td>
</tr>
<tr>
<td>------------------------------------</td>
</tr>
<tr>
<td>(1) ...[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 any pupil on the basis of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the California Penal Code. 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 guardian, within this state, except that any 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.</td>
</tr>
<tr>
<td>(2) (A) A charter school shall admit all pupils who wish to attend the school. (B) However, 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 EC 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, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand.</td>
</tr>
<tr>
<td>(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 EC Section 48200.</td>
</tr>
</tbody>
</table>

Does the charter petition contain the required affirmations? Yes

Comments:
The LVCS charter contains the required affirmations.
### The 16 Charter Elements

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>EC Section 47605(b)(5)(A)</th>
<th>5 CCR Section 11967.5.1(f)(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Description of Educational Program</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The description of the educational program..., as required by EC Section 47605(b)(5)(A), at a minimum:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(A) Indicates the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>(B) Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an &quot;educated person&quot; in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>(C) Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>(D) Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, technology-based education).</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>(E) Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to EC Section 60605 and to achieve the objectives specified in the charter.</td>
<td></td>
<td>Yes; Technical Amendments Needed</td>
</tr>
<tr>
<td>(F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>(G) Indicates how the charter school will meet the needs of pupils with disabilities, English learners, pupils achieving substantially above or below grade level expectations, and other special student populations.</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>1. Description of Educational Program</td>
<td>EC Section 47605(b)(5)(A) 5 CCR Section 11967.5.1(f)(1)</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-----------------------------------------------------</td>
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</tr>
<tr>
<td>(H) Specifies the charter school’s special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of EC Section 47641, the process to be used to identify pupils who qualify for special education programs and services, how the school will provide or access special education programs and services, the school’s understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

**If serving high school pupils, describes how district/charter school informs parents about:**

- Transferability of courses to other public high schools; and
- Eligibility of courses to meet college entrance requirements

(Courses that are accredited by the Western Association of Schools and Colleges [WASC] may be considered transferable, and courses meeting the University of California [UC]/California State University [CSU] "a-g" admissions criteria may be considered to meet college entrance requirements.)

**Does the petition overall present a reasonably comprehensive description of the educational program?** Yes; Technical Amendments Needed

**Comments:**

LVCS offers a standards-based curriculum that includes a site-based program for pupils in kindergarten through eighth grade and a nonclassroom-based program for pupils in kindergarten through grade twelve. The site-based program uses multi-age settings, technology and community service projects. The non-classroom based program provides support for family-based instruction (“home schooling”) including access to assemblies, community service projects, and extra curricular activities through the site-based program.

The guiding principles of LVCS are based on the Efficacy Approach, which affirms that one is not “born smart,” but one “gets smart” through hard work and appropriate support. To this end, each student at LVCS develops a Student Goal Plan (SGP), an individually defined program developed by the teacher, parent, and student. The SGP is tied to measurable outcomes and assessments and students and parents receive reports throughout the year indicating progress toward the goals in the SGP.

Student demographics at LVCS are similar to those at the other schools in the Fort Sage USD; however, because of the remote location and small population of the district, comparisons are difficult. LVCS employs outreach methods, such as development of informational materials in languages other than English, to ensure racial and ethnic balance.
Each member of the LVCS teaching staff provides and participates in the staff enrichment program. Each teacher chooses a project that will benefit staff. Upon approval by the Advisory Council, the teacher receives training and then in turn shares this training with the rest of the staff. In addition, LVCS operates a Community Outreach Program that utilizes a wide range of community organizations to provide resources, mentoring, student internships, and cultural enrichment. The Community Outreach Committee invites students and families from the entire Fort Sage USD to participate in events such as Outdoor Education Camp, Lit Jam, and Lit Fest.

**Plan for Low-Achieving Pupils**
Low-achieving students are assessed using a variety of standardized assessments and supported by Response to Intervention and Title 1 services. In addition, LVCS offers tutoring for low-achieving independent study students during traditional school hours. Site-based students are offered Title 1 teacher assistance and reading intervention for an additional 20 minutes per day in small groups four days per week.

**Plan for High-Achieving Pupils**
Advanced independent study high school students identified through STAR results, report cards, and teacher observation may enroll in Barstow Community College online course work or on campus at Lassen Community College. If parents choose to pay tuition, these students have the opportunity to earn a two-year degree by the time they graduate from high school. LVCS also offers visual and performing arts opportunities through private vendors.

**Plan for English Learners**
Neither the Fort Sage USD nor LVCS report having English learner (EL) students. LVCS will utilize the home language survey and the California English Language Development Test (CELDT) to identify EL pupils. All current LVCS teachers have completed coursework or testing to be qualified to instruct EL students. Most of the curriculum adopted by LVCS includes materials for EL students.

**Plan for Special Education Pupils**
LVCS commits to complying with all laws affecting individuals with exceptional needs, including all provisions of the Individuals with Disabilities in Education Improvement Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), the Americans with Disabilities Act (ADA), and all other applicable state and federal laws. Before the LVCS renewal petition was denied by Fort Sage USD and Lassen CBE, LVCS was categorized as a public school of the county in accordance to EC Section 47641(b). If approved by the SBE, the petitioners intend to apply to the Lassen County SELPA as an LEA for the provision of special education services to LVCS pupils. Should LVCS be denied membership in the Lassen County SELPA, it will apply for membership in the El Dorado SELPA.
### 1. Description of Educational Program

Upon request from the CDE, LVCS promptly provided comprehensive descriptions of its educational programs that included the following components:

- Methods of instructional delivery for the on-site and independent study programs
- Teaching strategies used for students with different learning styles (auditory, kinesthetic, visual, tactile, global, analytic)
- Response to Intervention program information
- Course offerings for elementary and secondary independent study students
- High school graduation requirements

The CDE recommends that technical amendments be made to the LVCS charter petition to clarify aspects of the LVCS educational program, including a description of the high school curriculum and independent study programs.

### 2. Measurable Pupil Outcomes

#### Evaluation Criteria

**Measurable pupil outcomes**, as required by **EC Section 47605(b)(5)(B)**, at a minimum:

- **(A)** Specify skills, knowledge, and attitudes that reflect the school’s educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual pupils and for groups of pupils.

- **(B)** Include the school’s API growth target, if applicable.

| Does the petition present a reasonably comprehensive description of measurable pupil outcomes? | Yes, Technical Amendments Needed |
2. Measurable Pupil Outcomes

Comments:
The LVCS charter petition states that its measurable student outcomes are aligned with California academic content standards pursuant to EC Section 47605(c)(1). In addition, the petition states that students will continue to demonstrate increased skills and understanding of core subjects as follows:

- **Language Arts**
  - Reading, oral, and written language
  - Literature from various time periods and cultures

- **Mathematics**
  - Developing the ability to reason logically and apply mathematical concepts and processes
  - Comprehensive understanding of how math is applied in the real world in technology today

- **Science**
  - Utilizing scientific research and inquiry methods to understand and apply major concepts
  - Comprehensive understanding of how science is applied in the real world in technology today

- **Social Sciences**
  - Civic, historical, and geographical knowledge to serve as citizens in a world of diverse cultures

The petition also includes that students will demonstrate understanding of the following non-core outcomes:

- Technology as a resource to increase knowledge
- Increased awareness of environment and community
- An appreciation of visual and performing arts

CDE recommends technical amendments to the charter petition to clarify that LVCS will meet or exceed its API growth target both school wide and in reportable subgroups.
### Evaluation Criteria

The method for measuring pupil progress, as required by EC Section 47605(b)(5)(C), at a minimum:

<table>
<thead>
<tr>
<th>(A) Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes.</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>(B) Includes the annual assessment results from the STAR program.</td>
<td>Yes</td>
</tr>
<tr>
<td>(C) Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils’ parents and guardians, and for utilizing the data continuously to monitor and improve the charter school’s educational program.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Does the petition present a reasonably comprehensive description of the method for measuring pupil progress?** Yes

**Comments:**
The LVCS petition presents a reasonably comprehensive description of the methods to be used for measuring pupil progress. Key methods of measuring pupil progress include:

- STAR program
- CELDT
- School-adopted benchmark curriculum assessments, including Accelerated Math, Early STAR Literacy, and STAR Reading
- SGPs
- Teacher observation
- Self-evaluation
- Work Samples

Results of these assessments are shared regularly with parents through the following means:

- Conferences and SGP reviews
- Progress reports and report cards
- Publication of the School Accountability Report Card (SARC)
### 3. Method for Measuring Pupil Progress

<table>
<thead>
<tr>
<th>EC Section 47605(b)(5)(C) 5 CCR Section 11967.5.1(f)(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The petition states that each year, LVCS will conduct a program evaluation to determine the effectiveness of all aspects of the program by measuring student growth. The Education Director or designee will present this annual evaluation to the authorizing board and make it available to the Advisory Council.</td>
</tr>
</tbody>
</table>

### 4. Governance Structure

<table>
<thead>
<tr>
<th>EC Section 47605(b)(5)(D) 5 CCR Section 11967.5.1(f)(4)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Evaluation Criteria</strong></td>
</tr>
<tr>
<td>The governance structure of the school, including, but not limited to, the process…to ensure parental involvement…., as required by EC Section 47605(b)(5)(D), at a minimum:</td>
</tr>
<tr>
<td>(A) Includes evidence of the charter school’s incorporation as a non-profit public benefit corporation, if applicable.</td>
</tr>
<tr>
<td>(B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:</td>
</tr>
<tr>
<td>1. The charter school will become and remain a viable enterprise.</td>
</tr>
<tr>
<td>2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians).</td>
</tr>
<tr>
<td>3. The educational program will be successful.</td>
</tr>
<tr>
<td><strong>Does the petition present a reasonably comprehensive description of the school’s governance structure?</strong></td>
</tr>
</tbody>
</table>
4. Governance Structure

Comments:
The LVCS petition presents a reasonably comprehensive description of the LVCS governance structure. LVCS is incorporated as a non-profit public benefit corporation and is governed by a Board of Directors in accordance with bylaws that have been adopted by the LVCS board. The Board of Directors includes representatives from parents and LVCS staff. Per the bylaws, the LVCS Board of Directors will act in full compliance with the Brown Act, the Political Reform Act, and will adopt policies and procedures regarding self-dealing and conflicts of interest.

The Advisory Council is comprised of equal members of staff and parent/community members and will address schoolwide problems and submit policies to the Board of Directors for approval. LVCS has also incorporated a Community Advisory Board consisting of community members including business owners, community leaders, politicians, and professionals.

Parents have opportunity to participate in the governance school as stakeholders in the Board of Directors and members of the Advisory Council. The Advisory Council is tasked with developing parental involvement strategies and policies for submission to the Board of Directors.

5. Employee Qualifications

Evaluation Criteria

The qualifications [of the school’s employees], as required by EC Section 47605(b)(5)(E), at a minimum:

(A) Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health and safety of the school’s faculty, staff, and pupils. Yes

(B) Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions. Yes, Technical Amendments Needed

(C) Specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary. Yes

Does the petition present a reasonably comprehensive description of employee qualifications? Yes, Technical Amendments Needed
5. Employee Qualifications

Comments:
The LVCS petition presents a reasonably comprehensive description of LVCS employee qualifications. The petition includes comprehensive position qualifications and responsibilities of the LVCS education director and financial director.

The CDE recommends a technical amendment to the charter petition to include more detailed position qualifications and responsibilities for teachers and non-instructional staff.

6. Health and Safety Procedures

Evaluation Criteria

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Require that each employee of the school furnish the school with a criminal record summary as described in EC Section 44237.</td>
<td></td>
<td></td>
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<tr>
<td>(B) Include the examination of faculty and staff for tuberculosis as described in EC Section 49406.</td>
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<td></td>
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<tr>
<td>(C) Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(D) Provide for the screening of pupils’ vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.</td>
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</tbody>
</table>

Does the petition present a reasonably comprehensive description of health and safety procedures? Yes; Technical Amendments Needed

Comments:
The LVCS petition presents a reasonably comprehensive description of health and safety procedures to be used at the school. LVCS has adopted and is implementing a comprehensive set of policies and procedures that will ensure the health and safety of staff. The petition specifically commits to the following statutory and regulatory requirements:

- LVCS employees, contractors, and volunteers will be required to submit to a criminal background check and furnish a criminal record summary prior to employment and/or any individual contact with pupils as required by EC sections 44237 and 45125.1.
- LVCS will require tuberculosis testing of all employees.
6. Health and Safety Procedures

- LVCS will adhere to all laws requiring immunizations for entering pupils to the same extent required for enrollment in non-charter public schools.

The CDE recommends a technical amendment to the petition to include provisions for the screening of pupil's hearing, vision, and for scoliosis.

7. Racial and Ethnic Balance

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
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<tbody>
<tr>
<td>Recognizing the limitations on admissions to charter schools imposed by EC Section 47605(d), the means by which the school(s) 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..., as required by EC Section 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Does the petition present a reasonably comprehensive description of means for achieving racial and ethnic balance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes; Technical Amendments Needed</td>
</tr>
</tbody>
</table>
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**Comments:**

The LVCS petition presents a reasonably comprehensive description of the means for achieving a racial and ethnic balance at the school that includes the following:

- An enrollment process and timeline that allows for a broad-based recruiting and application process
- Development of materials in languages other than English
- Service of Spanish speaking staff to facilitate communication

The CDE recommends a technical amendment to the charter petition to clarify that the outreach plan will be regularly reviewed and revised as necessary to ensure racial and ethnic balance.

8. Admission Requirements, If Applicable

<table>
<thead>
<tr>
<th>EC Section 47605(b)(5)(H)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 CCR Section 11967.5.1(f)(8)</td>
</tr>
</tbody>
</table>

- Does the petition present a reasonably comprehensive description of means for achieving racial and ethnic balance? Yes; Technical Amendments Needed
- Evaluation Criteria
- Comments:
  - An enrollment process and timeline that allows for a broad-based recruiting and application process
  - Development of materials in languages other than English
  - Service of Spanish speaking staff to facilitate communication

The CDE recommends a technical amendment to the charter petition to clarify that the outreach plan will be regularly reviewed and revised as necessary to ensure racial and ethnic balance.
8. Admission Requirements, If Applicable

**Evaluation Criteria**

To the extent admission requirements are included in keeping with EC Section 47605(b)(5)(H), the requirements shall be in compliance with the requirements of EC Section 47605(d) and any other applicable provision of law.

**Does the petition present a reasonably comprehensive description of admission requirements?**

Yes; Technical Amendments Needed

**Comments:**
The LVCS petition presents a reasonably comprehensive description of admission requirements to be used at the school. LVCS commits to conducting a public random drawing if more applications are received than there is capacity. LVCS will give admission preference to pupils who reside within the former attendance area of Long Valley School, as required of conversion charter schools under EC Section 47605(d)(1). LVCS will also extend admission preference to siblings of existing pupils of the charter school, children of employees of the school, children on the wait list from the previous year and all other district residents.

The CDE recommends a revision to the charter petition to clarify that district residents will have priority over non-district residents, including siblings of enrolled pupils.


**Evaluation Criteria**

The manner in which annual independent financial audits shall be conducted using generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the SBE’s satisfaction, as required by EC Section 47605(b)(5)(I), at a minimum:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Specify who is responsible for contracting and overseeing the independent audit.</td>
<td></td>
</tr>
<tr>
<td>(B) Specify that the auditor will have experience in education finance.</td>
<td></td>
</tr>
<tr>
<td>(C) Outline the process of providing audit reports to the SBE, CDE, or other agency as the SBE may direct, and specifying the timeline in which audit exceptions will typically be addressed.</td>
<td></td>
</tr>
<tr>
<td>(D) Indicate the process that the charter school(s) will follow to address any audit findings and/or resolve any audit exceptions.</td>
<td></td>
</tr>
</tbody>
</table>

| Does the petition present a reasonably comprehensive description of annual independent financial audits? | Yes; Technical Amendments Needed |
| Comments: | The LVCS petition presents a reasonably comprehensive description of the manner in which annual independent financial audits will be conducted, however, technical amendments to the final charter will be required should the SBE approve the charter. |
| LVCS petitioners have agreed to make technical amendments to reflect SBE authorization that address: | |
| • Resolution of any audit exceptions and deficiencies to the SBE’s satisfaction | |
| • Referral of disputes to the EAAP pursuant to EC Section 41344 | |

### 10. Suspension and Expulsion Procedures

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>EC Section 47605(b)(5)(J) 5 CCR Section 11967.5.1(f)(10)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The procedures by which pupils can be suspended or expelled, as required by EC Section 47605(b)(5)(J), at a minimum:</td>
<td></td>
</tr>
<tr>
<td>(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which pupils in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which pupils in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners’ reviewed the offenses for which pupils must or may be suspended or expelled in non-charter public schools.</td>
<td>Yes; Technical Amendments Needed</td>
</tr>
<tr>
<td>(B) Identify the procedures by which pupils can be suspended or expelled.</td>
<td>Yes</td>
</tr>
<tr>
<td>(C) Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
## 10. Suspension and Expulsion Procedures

<table>
<thead>
<tr>
<th>(D)</th>
<th>Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to pupils attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for pupils, staff, and visitors to the school and serve the best interests of the school’s pupils and their parents (guardians).</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

| (E) | If not otherwise covered under subparagraphs (A), (B), (C), and (D):  
1. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in...regard to suspension and expulsion.  
2. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which pupils are subject to suspension or expulsion. |
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td></td>
<td>Yes; Technical Amendments Needed</td>
</tr>
</tbody>
</table>

**Does the petition present a reasonably comprehensive description of suspension and expulsion procedures?**

Yes; Technical Amendments Needed

**Comments:**
The LVCS petition presents a reasonably comprehensive description of suspension and expulsion procedures to be used by the school. LVCS commits to comprehensive due process procedures for all pupils by utilizing the suspension and expulsion policy utilized by Fort Sage USD which directly follows EC Section 48900 *et seq.*

The CDE recommends technical amendments to the charter to update the policy in light of recent updates to EC Section 48900 *et seq.*, to include a process for the suspension and expulsion of pupils with disabilities that aligns with state and federal legal requirements, and to provide an assurance that the policies and procedures surrounding suspension and/or expulsion will be amended periodically to meet the requirements of 5 CCR Section 11967.5.1(f)(10)(A). In addition, the preliminary list of offenses for which students may be suspended must be separate from the list of offenses for which students may be expelled.

## 11. CalSTRS, CalPERS, and Social Security Coverage

| **EC Section 47605(b)(5)(K)**  
5 CCR Section 11967.5.1(f)(11) |
|--------------------------------|

**CalSTRS, CalPERS, and Social Security Coverage**
<table>
<thead>
<tr>
<th>11. CalSTRS, CalPERS, and Social Security Coverage</th>
<th><strong>EC Section 47605(b)(5)(K)</strong> 5 CCR Section 11967.5.1(f)(11)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Evaluation Criteria</strong></td>
<td></td>
</tr>
<tr>
<td>The manner by which staff members of the charter schools will be covered by the CalSTRS, the CalPERS, or federal social security, as required by <strong>EC Section 47605(b)(5)(K)</strong>, at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.</td>
<td></td>
</tr>
<tr>
<td><strong>Does the petition present a reasonably comprehensive description of CalSTRS, CalPERS, and social security coverage?</strong></td>
<td><strong>Yes; Technical Amendments Needed</strong></td>
</tr>
<tr>
<td><strong>Comments:</strong></td>
<td></td>
</tr>
<tr>
<td>The LVCS petition presents a reasonably comprehensive description of the retirement programs offered by the school.</td>
<td></td>
</tr>
<tr>
<td>The CDE recommends a technical amendment to the charter to clarify the positions to be covered under each system and the LVCS staff responsible for ensuring that appropriate arrangements for retirement coverage have been made for all employees.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>12. Public School Attendance Alternatives</th>
<th><strong>EC Section 47605(b)(5)(L)</strong> 5 CCR Section 11967.5.1(f)(12)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Evaluation Criteria</strong></td>
<td></td>
</tr>
<tr>
<td>The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by <strong>EC Section 47605(b)(5)(L)</strong>, at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any LEA (or program of any LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA.</td>
<td></td>
</tr>
<tr>
<td><strong>Does the petition present a reasonably comprehensive description of public school attendance alternatives?</strong></td>
<td><strong>Yes; Technical Amendments Needed</strong></td>
</tr>
<tr>
<td><strong>Comments:</strong></td>
<td></td>
</tr>
<tr>
<td>The LVCS petition makes clear that pupils enrolled at LVCS have no right to admission in a particular school of any LEA as a consequence of enrollment at LVCS, except to the extent that such a right is extended by the LEA.</td>
<td></td>
</tr>
<tr>
<td>The CDE recommends a technical amendment to the charter to clarify how this information will be communicated to parents.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>13. Post-employment Rights of Employees</th>
<th><strong>EC Section 47605(b)(5)(M)</strong> 5 CCR Section 11967.5.1(f)(13)</th>
</tr>
</thead>
</table>
13. Post-employment Rights of Employees

**EC Section 47605(b)(5)(M) 5 CCR Section 11967.5.1(f)(13)**

**Evaluation Criteria**

The description of the rights of any employees 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, as required by EC Section 47605(b)(5)(M), at a minimum, specifies that an employee of the charter school shall have the following rights:

| (A) | Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify. | Yes |
| (B) | Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify. | Yes |
| (C) | Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the SBE determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school. | Yes |

**Does the petition present a reasonably comprehensive description of post-employment rights of employees?** Yes

**Comments:**
The LVCS petition presents a reasonably comprehensive description of the post-employment rights of LVCS employees, which are only as specified by the Fort Sage USD.

---

14. Dispute Resolution Procedures

**EC Section 47605(b)(5)(N) 5 CCR Section 11967.5.1(f)(14)**

**Evaluation Criteria**

The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter, as required by EC Section 47605(b)(5)(N), at a minimum:

| (A) | Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not a LEA. | Yes; Technical Amendments Needed |
| (B) | Describe how the costs of the dispute resolution process, if needed, would be funded. | Yes |
### 14. Dispute Resolution Procedures

<table>
<thead>
<tr>
<th>EC Section 47605(b)(5)(N)</th>
<th>5 CCR Section 11967.5.1(f)(14)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(C) Recognize that, because it is not a LEA, the SBE may choose resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the SBE intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.</td>
<td>Yes; Technical Amendments Needed</td>
</tr>
<tr>
<td>(D) Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with EC Section 47604.5, the matter will be addressed at the SBE’s discretion in accordance with that provision of law and any regulations pertaining thereto.</td>
<td>Yes; Technical Amendments Needed</td>
</tr>
</tbody>
</table>

**Does the petition present a reasonably comprehensive description of dispute resolution procedures?** Yes; Technical Amendments Needed

**Comments:**
The dispute resolution procedures in the LVCS petition do not include all of the requirements necessary to reflect the SBE as an authorizer. Should the SBE approve the LVCS charter, the CDE will work with the petitioners to conform this section of the final LVCS charter to SBE requirements.

LVCS petitioners have agreed to make technical amendments to the dispute resolution procedures in the LVCS charter to reflect SBE authorization that address all SBE dispute resolution requirements for SBE-authorized charter schools.

### 15. Exclusive Public School Employer

<table>
<thead>
<tr>
<th>EC Section 47605(b)(5)(O)</th>
<th>5 CCR Section 11967.5.1(f)(15)</th>
</tr>
</thead>
</table>

**Evaluation Criteria**

The declaration of whether or not the district shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (EERA) (Chapter 10.7 [commencing with Section 3540]) of Division 4 of Title 1 of the *Government Code* [GC]), as required by EC Section 47605(b)(5)(O), recognizes that the SBE is not an exclusive public school employer and that, therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the EERA.
### 15. Exclusive Public School Employer

| Does the petition include the necessary declaration? | Yes |
| Comments: | The LVCS petition makes clear that LVCS shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the EERA. LVCS recognizes employee rights under EERA provisions to organize for collective bargaining. |

### 16. Closure Procedures

| Evaluation Criteria | A description of the procedures to be used if the charter school closes, in keeping with EC Section 47605(b)(5)(P). The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records. |
| Does the petition include a reasonably comprehensive description of closure procedures? | Yes |
| Comments: | The LVCS petition includes a comprehensive description of closure procedures pursuant to EC Section 47605(b)(5)(P) and 5 CCR sections 11962 and 11962.1. |

### ADDITIONAL REQUIREMENTS UNDER EC SECTION 47605

<table>
<thead>
<tr>
<th>Standards, Assessments, and Parent Consultation</th>
<th>EC Section 47605(c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluation Criteria</td>
<td>5 CCR Section 11967.5.1(f)(3)</td>
</tr>
<tr>
<td>Evidence is provided that:</td>
<td></td>
</tr>
</tbody>
</table>

1. The school shall meet all statewide standards and conduct the pupil assessments required pursuant to EC sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools. | Yes |

2. The school shall, on a regular basis, consult with their parents and teachers regarding the school’s educational programs. | Yes |
<table>
<thead>
<tr>
<th>Standards, Assessments, and Parent Consultation</th>
<th>EC Section 47605(c) 5 CCR Section 11967.5.1(f)(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the petition provide evidence addressing the requirements regarding standards, assessments, and parent consultation?</td>
<td>Yes</td>
</tr>
<tr>
<td>Comments:</td>
<td>The petition states that LVCS will meet all statewide standards and conduct all required state mandated pupil assessments. The petition also includes a number of methods LVCS will use to consult regularly with parents and teachers regarding the school’s educational programs including the inclusion of those stakeholders on the Board of Directors and Advisory Council.</td>
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<thead>
<tr>
<th>Employment is Voluntary</th>
<th>EC Section 47605(e) 5 CCR Section 11967.5.1(f)(13)</th>
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<tbody>
<tr>
<td>Evaluation Criteria</td>
<td>The governing board...shall not require any employee...to be employed in a charter school.</td>
</tr>
<tr>
<td>Does the petition meet this criterion?</td>
<td>Yes</td>
</tr>
<tr>
<td>Comments:</td>
<td>The petition states that no public school district employee shall be required to work at LVCS.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pupil Attendance is Voluntary</th>
<th>EC Section 47605(f) 5 CCR Section 11967.5.1(f)(12)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluation Criteria</td>
<td>The governing board...shall not require any pupil...to attend a charter school.</td>
</tr>
<tr>
<td>Does the petition meet this criterion?</td>
<td>Yes</td>
</tr>
<tr>
<td>Comments:</td>
<td>The charter states that enrollment at LVCS is entirely voluntary on the part of the students.</td>
</tr>
</tbody>
</table>

| Effect on Authorizer and Financial Projections | EC Section 47605(g) 5 CCR Section 11967.5.1(c)(3)(A–C) |
### Effect on Authorizer and Financial Projections

**EC Section 47605(g)**  
5 CCR Section 11967.5.1(c)(3)(A–C)

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
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<td><img src="image2.png" alt="Image" /></td>
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<td><img src="image6.png" alt="Image" /></td>
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<td><img src="image7.png" alt="Image" /></td>
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**Does the petition provide the required information and financial projections?**  
Yes

**Comments:**
Overall, it appears that the charter school's budget is balanced and meets recommended levels of reserves. Budgeted revenues and expenditures largely follow historical trends and appear to be conservative. Adjustments to expenditures appear to have been made to reflect the overall decrease in state funding, and cash flow has been adjusted to reflect state deferrals. The school appears to be sustainable though it will face economic challenges similar to other LEAs in the state.

### Academically Low Achieving Pupils

**EC Section 47605(h)**  
5 CCR Section 11967.5.1(f)(1)(F–G)

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
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<tbody>
<tr>
<td><img src="image8.png" alt="Image" /></td>
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<tr>
<td><img src="image9.png" alt="Image" /></td>
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</table>

**Does the petition merit preference by the SBE under this criterion?**  
Yes
## Academically Low Achieving Pupils

<table>
<thead>
<tr>
<th>Section</th>
<th>Comments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>EC 47605(h) 5 CCR 11967.5.1(f)(1)(F–G)</td>
<td>The LVCS petition merits preference by the SBE due to LVCS’s rural location and the performance of the other schools in the Fort Sage USD in comparison to LVCS. LVCS was the only school in the Fort Sage USD to meet its 2009 AYP goals. In 2008, LVCS received a statewide decile ranking of 2 and a similar schools decile ranking of 4. The other schools in the Fort Sage USD received statewide rankings of either 1 or 2, but were too small to receive similar schools decile rankings. In addition, the LVCS independent study program serves students from ten surrounding districts, many of which academically underperform LVCS based on AYP and API data.</td>
</tr>
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</table>

## Teacher Credentialing

<table>
<thead>
<tr>
<th>Section</th>
<th>Evaluation Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>EC 47605(l) 5 CCR 11967.5.1(f)(5)</td>
<td>Teachers in charter schools shall be required to hold a California Commission on Teacher Credentialing (CCTC) certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold…It is the intent of the Legislature that charter schools be given flexibility with regard to non-core, non-college preparatory courses.</td>
</tr>
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</table>

| Does the petition meet this requirement? | Yes |
| Comments: | The petition is clear that LVCS teachers will be credentialed as required by law. |

## Transmission of Audit Report

<table>
<thead>
<tr>
<th>Section</th>
<th>Evaluation Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>EC 47605(m) 5 CCR 11967.5.1(f)(9)</td>
<td>A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year…to the chartering entity, the Controller, the county superintendent of schools of the county in which the charter is sited…. and the CDE by December 15 of each year.</td>
</tr>
</tbody>
</table>

| Does the petition address this requirement? | Yes |
| Comments: | The LVCS petition commits to following the financial audit report transmission procedures contained in EC Section 47605(m). |
Addendum 1: Fort Sage Unified School District Reasons for Denial

On January 20, 2010 the Fort Sage USD Board, by a 5-0 vote, denied LVCS’s charter renewal petition. That decision was based upon “Resolution No. 10-07 Factual Findings and Order in the Matter of the Long Valley Charter School Renewal Petition” (the “Resolution”).

The District made the following findings to support the denial of the charter renewal:

1. Unsound Educational Program
2. Demonstrably Unlikely to Succeed
3. Lack of Reasonably Comprehensive Descriptions of various elements required by EC Section 47605(b)(5).

The District made specific factual findings to support the findings listed above. These factual findings along with the LVCS response follow:

**Finding 1. A.(1): Unsound Educational Program; Physical Harm to Pupils**

1. LVCS presents an unsound educational program for the pupils to be enrolled in the charter school. (EC Section 47605(b)(1).)

A. Pursuant to 5 CCR, Section 11967.5.1(b)(2), a program shall be “unsound” if it involves activities that the SBE determines would present the likelihood of physical harm to the affected pupils.

(1) LVCS has taken actions which have presented the likelihood of physical harm to affected pupils. Specifically:

   (a) In 2006, LVCS placed two (2) portable structures on its campus without the authorization of the District of the Division of the State Architect. The placement of portable structures, which were not authorized as being up to building and safety codes, presented the possibility of physical harm to pupils.

   (b) In 2006, there was a propane leak on the LVCS campus which was not reported or handled properly. (See Attachment A.) The mishandling of the propane leak presented the possibility of physical harm to pupils.

**LVCS Response:**

In the Resolution, the District did not set forth all of the relevant facts regarding LVCS’s addition of two portable buildings on its campus in 2006. Pamela Auld, the LVCS Director, wrote a letter to the then-District Superintendent and Board on July 13, 2006 seeking District approval to place portable buildings on the LVCS site. On August 16, 2006, District legal counsel ordered the removal...
Addendum 1: Fort Sage Unified School District Reasons for Denial

of the portable buildings until an agreement between the parties as to the portables could be reached. The Charter School subsequently appealed to the District Board to keep the portables on the campus. Despite a public records request for the minutes of this District Board meeting, the Charter School has been unable to obtain a copy of the minutes. The District did not ultimately object to the addition of portable buildings. Further, LVCS obtained a clear inspection of the portables by the Division of the State Architect. Had the District genuinely been concerned about the physical safety of Charter School students, the appropriate action would have been to issue a Notice to Cure and Correct to LVCS, pursuant to the requirements of EC Section 47607, demanding that the Charter School cure any alleged threat to students’ physical safety. Four years later, though, the District knows, based on the Charter School’s documentation and its own Board approval of the portables that LVCS did follow proper processes in 2006 and students are not in any harm from the portable buildings that have existed without District argument for four years. As this is not a live issue, it is not an appropriate factual basis for denial of the charter renewal petition.

With regard to the propane leak on the LVCS campus in 2006, we note that (as documented in the District’s own documentation, included as Attachment A to the Resolution for denial of the charter) the leak took place during the summer months in 2006 when no student was on campus or would have gone to campus. The District also documented the successful clean-up and repair of the leak. The leak was quickly discovered, properly cleaned up and repaired, and tests afterwards showed no evidence of propane on the Charter School’s grounds.

As with its finding about the addition of portables in 2006, the District here relies on a past issue, already appropriately fixed, and not a live controversy which provides a factual basis for the denial of the charter renewal petition. This is an impermissible basis for denial.

LVCS counters that the District Board’s discussion during its consideration of the charter did not relate in anyway to the LVCS charter, its educational quality, comprehensiveness, or any other basis allowed by law. Board members focused instead on fiscal impact of the charter on the District. The District subsequently approved its own charter without independent governance or finance which replicates LVCS so much that it has used language from the LVCS charter. The District’s denial appears to be a disingenuous play for District financial purposes.

CDE response: LVCS has presented evidence that the issues regarding the portables and the propane leak were resolved in a timely manner to the satisfaction of Fort Sage USD. Fort Sage USD does not present any evidence that there is any current likelihood of physical harm to students.
Addendum 1: Fort Sage Unified School District Reasons for Denial

Finding 2. A.: Demonstrably Unlikely to Succeed; Unrealistic Financial Plan
2. The Renewal Petitioners are demonstrably unlikely to successfully implement the program set forth in the Renewal Petition. (EC Section 47605(b)(2).)

A. Pursuant to 5 CCR Section 11967.5.1(c)(3), a factor in determining if a program is “demonstrably unlikely to succeed” is if petitioners have presented unrealistic financial/operational plans.

(1) During its first two (2) years of operation the Long Valley Charter School overstated its Average Daily Attendance (ADA). As a result, at one point the Long Valley Charter School owed the State over $1,000,000.00.

(2) The Long Valley Charter School currently owes the State approximately $315,000.00 as a result of its overstatement of ADA during its first two years of operation.

LVCS Response:
The District here finds that the Charter School presented an unrealistic financial plan because (1) ten years ago, LVCS incorrectly reported average daily attendance (“ADA”); and (2) LVCS is currently making payments to the State as a result of its audit finding from the incorrectly reported ADA. The Charter School does not dispute that it made attendance accounting errors in its first two years of operation. What the District neglects to acknowledge, however, is that LVCS negotiated a settlement of the audit finding with the State Controller and Department of Finance for an eight-year repayment plan. The Charter School has three years remaining in that repayment plan; it has made timely payments for five years and has budgeted for the remaining three years’ payments. With demonstrated past performance of payments and a budget reserve in excess of $260,000 (far exceeding state expectations for budget reserves), the District cannot seriously doubt the stability and realistic nature of the Charter School’s financial plans.

Surprisingly, the District reached into the Charter School’s initial term, before its current term, to make this finding (meaning that the District has granted a renewal based upon these same facts five years ago). Accordingly, the finding is not an appropriate factual basis for denial of the charter petition.

CDE response:
LVCS presents a realistic budget that includes the repayment plan resulting from the ADA miscalculation.

Finding 3. A.: Not Reasonably Comprehensive; API
Addendum 1: Fort Sage Unified School District Reasons for Denial

3. The Renewal Petition does not contain reasonably comprehensive descriptions of the measurable student outcomes as required by EC Section 47605(b)(5)(B).

A. Pursuant to 5 CCR Section 11967.5.1(f)(2)(B), at a minimum, a petition must include the school’s API growth target.

(1) The Renewal Petition does not include an API growth target.

LVCS Response:
EC Section 47605(b)(5)(B) requires charter petitions to include the measurable pupil outcomes identified for use by the charter school, and EC Section 47605(b)(5)(C) requires charter petitions to include the method by which pupil progress in meeting those outcomes is measured. The LVCS charter contains reasonably comprehensive descriptions of these requirements on pages 16-19. While the charter does not include an API growth target, it does state that LVCS regularly shares the results of the API with parents, and on page 6, it correctly states the API for the current charter term. The State determines the LVCS growth target each year and thus, it would not be necessary to include the same in the charter in order to measure LVCS’ success against this measure. Accordingly, the LVCS charter contains the legally required, reasonably comprehensive, description of pupil outcomes and how they are measured. Thus, the District’s finding is not factually based and cannot serve as a basis for denial of the renewal petition.

CDE response:
The LVCS petition refers to API results throughout the petition. Including a specific API growth target as a technical amendment to the petition would not be considered a material revision to the charter petition and would not be cause for denial.

Finding 4. A.-B.: Not Reasonably Comprehensive; Evidence of Incorporation
4. The Renewal Petition does not contain a reasonably comprehensive description of the governance structure of the school as required by EC Section 47605(b)(5)(D).

A. Pursuant to 5 CCR Section 11967.5.1(f)(4)(A), at a minimum, a petition must include evidence of the charter school’s incorporation as a non-profit public benefit corporation.

(1) The Renewal Petition did not include evidence of the school’s incorporation as a non-profit public benefit corporation.

B. Pursuant to 5 CCR Section 11967.5.1(f)(4)(B), at a minimum, a petition must include evidence of the organizational and technical designs of the governance structure that reflect a seriousness of purpose necessary to ensure that 1) the charter school will become
Addendum 1: Fort Sage Unified School District Reasons for Denial

and remain a viable enterprise; 2) there will be active and effective representation of interested parties, including but not limited to parents (guardians); and 3) the educational program will be successful.

(1) The Renewal Petition indicated that the Long Valley Charter School is governed pursuant to the bylaws adopted by the incorporators; however, no such bylaws were included with the renewal petition at the time of its submission.

LVCS Response:
The District submits that the LVCS charter renewal petition does not describe, in a reasonably comprehensive manner, the Charter School’s governance structure because the LVCS Articles of Incorporation and bylaws were not attached to the charter renewal submission. However, both the Articles of Incorporation and the bylaws were submitted to the District on January 15, 2010 by a Charter School staff member.

Furthermore, the District had constructive notice of the evidence of LVCS’s incorporation and bylaws by virtue of the initial charter petition and the first charter renewal petition, both of which attached both governance documents. If the District misplaced these documents, the Charter School would have gladly re-supplied copies. Finally, a simple search on the Secretary of State’s website (http://www.sos.ca.gov/business/be/) would have revealed that Long Valley Charter School was established as a corporation on July 27, 2000 and its business entity number is C2257627.

The District is well aware of the Charter School’s ten-year history of incorporation. This finding has no factual basis and cannot serve as a basis for denial of the charter petition.

CDE response:
LVCS has been in operation under the oversight of the Fort Sage USD for ten years, demonstrating that the charter school is a “viable enterprise.” The missing documentation cited by Fort Sage USD could have been included as a technical amendment to the charter petition.

Finding 5. A.-B.: Not Reasonably Comprehensive; Employee Qualifications

5. The Renewal Petition does not contain a reasonably comprehensive description of the qualifications to be met by individuals to be employed by the school as required by EC Section 47605(b)(5)(E).

A. The Renewal Petition does not describe the process to be used to inspect and verify teaching credentials.
## Addendum 1: Fort Sage Unified School District Reasons for Denial

### B. The Renewal Petition does not describe how it will verify that teachers are “highly qualified” as required by the federal No Child Left Behind (NCLB) Act of 2001.

**LVCS Response:**

EC Section 47605(b)(5)(E) states that a charter petition must describe the qualifications to be met by the employees of the charter school. On page 23 of its charter renewal petition, LVCS describes the qualifications that its employees must meet. Fort Sage USD does not appear to dispute that the LVCS described the qualifications to be met by its employees. Instead, Fort Sage USD makes a factual finding based on requirements not contained in law.

LVCS does engage in a thorough inspection of teaching credentials for all certificated employees. LVCS requires all certificated staff to record their credentials with the county. It is the understanding of LVCS that the county both reviews and maintains these records. Additionally, LVCS maintains a copy of all credentials on site in each employee’s personnel file.

Accordingly, this finding is not a permissible basis for denial of the charter renewal petition.

**CDE response:**

There is no legal requirement that a charter petition include a process for inspecting and verifying teacher credentials; therefore, this cannot be a finding for denial of a charter petition. The charter petition affirms that it will comply with all applicable portions of NCLB (page 4).

### Finding 6. A. (1)-(2): Not Reasonably Comprehensive; Health and Safety

6. The Renewal Petition does not contain a reasonably comprehensive description of the procedures the school will follow to ensure the health and safety of pupils and staff as required by EC Section 47605(b)(5)(F).

A. Pursuant to 5 CCR Section 11967.5.1(f)(6)(A), at a minimum, a petition must include the examination of faculty and staff for tuberculosis as described in EC Section 49406.

(1) Although the Renewal Petition states that the Long Valley Charter School has adopted a policy requiring tuberculosis testing for employees, no such policy was submitted with the Renewal Petition.

(2) The Renewal Petition contains no description of the procedures for faculty and staff tuberculosis examinations.
LVCS Response:
A copy of LVCS’s policy requiring tuberculosis testing for employees is included in the Personnel Policy, which has been on file for years at the Charter School. The tuberculosis policy contains a requirement that faculty and staff must receive tuberculosis examinations before the first day of employment. The LVCS tuberculosis plan is also on record at the Lassen County Office of Education. A Lassen County Office of Education school nurse annually reviews the Charter School’s tuberculosis records. The Charter School’s records are available for the District’s review at any time.

The current LVCS charter renewal petition is the Charter School’s third charter petition submitted to the District. Each iteration of the charter contains a list, substantially similar, if not identical, to that in the second charter renewal petition, of the health and safety policies that have been implemented. The District did not take issue with this method during its first two approvals of the LVCS charter. By maintaining the list contained in the charter and submitting the policy as a separate attachment, the Charter School was following the ordinary course of business between the parties.

The District’s finding is not a legally permissible basis for denial of the charter renewal petition.

CDE response:
The LVCS petition includes affirmation that employees will be tested for tuberculosis. It is not required by law that a description of the testing process be included in the charter. The Fort Sage USD finding does not present reasonable grounds for denial.

Finding 6. B.: Not Reasonably Comprehensive; Health and Safety
6. B. Although the Renewal Petition indicates that each employee and contractor of the charter school must submit to a criminal background check and furnish a criminal record summary, the Renewal Petition does not contain a reasonably comprehensive description of the method for conducting criminal background checks on employee candidates, (as required by EC sections 44830.1 and 45122.1) to ensure that the charter school does not hire any person who has been convicted of a violent or serious felony. No policy regarding criminal background checks was submitted with the Renewal Petition.

LVCS Response:
The LVCS policy on criminal background checks for all prospective employees is contained in the Personnel Policy, which has been on file for years at the Charter School. LVCS also has a policy on Criminal Record Information, which is on file at the Charter School. The Charter School’s records are available for the District’s review at any time. Accordingly, this finding is not a factual basis for denial of
Addendum 1: Fort Sage Unified School District Reasons for Denial

the charter renewal petition.

CDE response:
As with the finding regarding tuberculosis testing, the LVCS charter affirms that appropriate criminal background checks for employees will be conducted. It is not required by law that the charter include the details of such a policy, and the absence of such a policy is not a reasonable ground for denial.

6. C. The Petition does not include a reasonably comprehensive description of the requirement of a health check for all employees. No policy regarding employee health checks was submitted with the Renewal Petition.

LVCS Response:
No law or regulation applicable to charter schools requires a “health check” for all employees. As above, LVCS requires employees to have a tuberculosis screening before they begin employment. As per the charter renewal petition submitted to the District, the Charter School also requires employees to document immunizations as required for public schools. Accordingly, this finding is not a factual basis for denial of the charter renewal petition.

CDE response:
“Health checks” for employees are not a requirement of any public school.

6. D. The Petition does not include a reasonably comprehensive description of how the Long Valley Charter School will assure that the charter school’s facilities meet state and local building codes (including but not limited to the requirements of the Americans with Disabilities Act (ADA)). No policy regarding compliance with building codes was submitted with the Renewal Petition.

LVCS Response:
EC Section 47605(g) requires charter petitions to describe the facilities to be used by the school, including where the school intends to locate. The LVCS charter renewal petition provides a reasonably comprehensive description of these legal requirements. Nevertheless, as LVCS is using District property to operate its program, it has consistently maintained contact with the District regarding any facilities issues that may have arisen. Accordingly, this finding is not a factual basis for denial of the charter renewal petition.

CDE response:
## Addendum 1: Fort Sage Unified School District Reasons for Denial

LVCS has been operating on a site owned by Fort Sage USD since the LVCS conversion and submitted the renewal petition in good faith that it would remain at this site. Any issues regarding building codes could be resolved in a memorandum of understanding between LVCS and Fort Sage USD concerning the use of the district facility.

### Finding 6. E.: Not Reasonably Comprehensive; Health and Safety

**6. E.** In 2006, the Long Valley Charter School placed two (2) portable structures on its campus without the authorization of the District or the Division of the State architect. The placement of portable structures which were not authorized as being up to building and safety codes presented the possibility of physical harm to pupils. This incident tends to indicate that the Long Valley Charter School will not ensure that the charter school’s facilities meet state and local building codes.

**LVCS Response:**
We addressed the District’s concern regarding the addition of portables to the LVCS campus in 2006 in response to Finding 1. A. (1) (a) above.

The District here extrapolates a single incident, which was demonstrably and sufficiently addressed and laid to rest four years ago, into a speculative finding regarding facility safety. The District does this despite LVCS’s ten years of otherwise safe operation. The District’s finding does not properly form a factual basis for denial of the charter renewal petition.

**CDE response:**
The Fort Sage USD finding regarding the portables is addressed in Finding 1A (page 29 of this report).

### Finding 6. F.: Not Reasonably Comprehensive; Health and Safety

**6. F.** The Renewal Petition does not contain a reasonably comprehensive description of the Long Valley Charter School’s safety and disaster plan. Although the Renewal Petition indicates that the Long Valley Charter School has adopted policies and procedures for responding to emergencies and natural disasters, no such policies and procedures were submitted with the Renewal Petition.

**LVCS Response:**
The LVCS safety and disaster policy is contained in the Guide for Handling Critical Incidents, which has been on file for years at the Charter School. The Charter School’s records are available for the District’s review at any time. Accordingly, this finding is not a factual basis for denial of the charter renewal petition.

**CDE response:**
Addendum 1: Fort Sage Unified School District Reasons for Denial

The petition states that the health, safety, and risk management policies are attached to the petition as Attachment B. There is no such attachment to the petition. This omission appears to be a technical issue and could be resolved by requesting LVCS to submit the attachment.


6. G. In 2006, there was a propane leak on the Long Valley Charter School campus which was not reported or handled properly. (See Attachment A). This incident tends to indicate the Long Valley Charter School might not respond appropriately to a safety emergency.

LVCS Response:

We addressed the District’s concern regarding the propane leak on the LVCS campus in 2006 in response to Finding 1. A. (1) (b) above.

The District here extrapolates a single incident, which was demonstrably and sufficiently addressed and laid to rest four years ago, into a speculative finding regarding facility safety. The District does this despite LVCS’s ten years of otherwise safe operation. The District’s finding does not properly form a factual basis for denial of the charter renewal petition.

CDE response:

The Fort Sage USD finding regarding the propane leak is addressed in Finding 1A (page 29 of this report).


6. H. The Renewal Petition does not contain a reasonably comprehensive description of efforts to comply with state and federal laws regarding food and safety and environmental protection.

LVCS Response:

No law or regulation applicable to charter schools requires a description of food safety and environmental protection within the charter. In fact, charter schools are not required to have food service programs. Further, the District has never given LVCS any indication that it expected the Charter School to have a food safety and environmental protection plan. If the District were concerned about food safety and environmental protection at the Charter School, it could have issued a Notice to Cure and Correct pursuant to EC Section 47607. Regardless, LVCS follows SafeServ, established by the National Restaurant Association Foundation, for food safety, and the Charter School is inspected twice annually by the Lassen County Health Department. The Charter School has passed each inspection. (Attached as Exhibit E, please find LVCS’s permit to operate a school cafeteria, issued by the Lassen County Environmental Health Services Department, and the four most recent inspection reports.) Accordingly, this finding is not a factual basis for denial of the
Addendum 1: Fort Sage Unified School District Reasons for Denial  

CDE response:  
Charter law does not require petitioners to include provisions for food and safety or environmental protection. Furthermore, Fort Sage USD presents no documented instances of problems in this area. This finding is not a basis for denial.

Finding 6. I.: Not Reasonably Comprehensive; Health and Safety  
6. I. The Renewal Petition does not contain a reasonably comprehensive description of efforts to comply with state and federal laws designed to protect children, including but not limited to the proper administration of medication and drugs to students in schools and the reporting of child abuse. Although the Renewal Petition indicates that the Long Valley Charter School has adopted policies and procedures regarding administration of medication to students and reporting child abuse and neglect, no such policies and procedures were submitted with the Renewal Petition.

LVCS Response:  
LVCS annually distributes to parents a Physician’s Recommendation for Medication form which addresses the proper administration of medication to students in schools. This document has been on file for years at the Charter School. The Charter School’s records are available for the District’s review at any time.

The Charter School’s child abuse reporting policy is contained in the Guide for Handling Critical Incidents, which has been on file for years at the Charter School. The Charter School’s records are available for the District’s review at any time.

Accordingly, this finding is not a factual basis for denial of the charter renewal petition.

CDE response:  
The LVCS petition includes affirmations that its health and safety procedures are described in Attachment B. As discussed previously, the omission of Attachment B appears to be a technical issue and could be resolved by requesting LVCS to submit the attachment. Furthermore, there is no requirement in charter law that a petition include procedures for administering medications to students, and the petition does affirm that a policy regarding the reporting of child abuse is contained in Attachment B.

Finding 7. A.: Not Reasonably Comprehensive; Public Random Drawing  
7. The Renewal Petition does not contain a reasonably comprehensive description of the admissions requirements as required by
Addendum 1: Fort Sage Unified School District Reasons for Denial

Education Code Section 47605(b)(5)(H).

The Renewal Petition does not contain a reasonably comprehensive description of the method to be used to conduct a random drawing for admission if more students wish to attend than space permits.

LVCS Response:
EC Section 47605(b)(5)(H) requires charter petitions to describe admissions requirements, if they have any. The District does not dispute that LVCS comprehensively described its admissions requirements.

Instead, the District finds that the Charter School did not properly describe the method it uses to conduct a public random drawing in the event that more students wish to attend than space permits. This finding is not a permissible basis to deny the charter renewal petition. Nevertheless, LVCS does describe, in the charter renewal petition, its process for holding a public random drawing in a manner consistent with EC Section 47605(d).

CDE response:
Clarification of the public random drawing procedures could be included as a technical amendment to the petition.

Finding 8. A.: Not Reasonably Comprehensive; Pupil Suspension and Expulsion
8. The Renewal Petition does not contain a reasonably comprehensive description of the procedures by which pupils can be suspended or expelled as required by EC Section 47605(b)(5)(J).

Although the Renewal Petition states that the Long Valley Charter School has developed student discipline policies, no such policies or procedures by which pupils may be suspended or expelled were submitted with the Petition

LVCS Response:
The LVCS policy on student suspension and expulsion is contained in the Suspension and Expulsion/Due Process administrative regulations, which were submitted to the District on January 15, 2010. Accordingly, this finding is not a factual basis for denial of the charter renewal petition.

CDE response:
The petition states that the suspension and expulsion policies are attached to the petition as Attachment E. There is no such
Addendum 1: Fort Sage Unified School District Reasons for Denial

attachment to the petition. This omission appears to be a technical issue and could be resolved by requesting LVCS to submit the attachment.

Finding 9. A.: Required Signatures
9. The Renewal Petition does not contain the number of signatures required by subdivision (a) of EC Section 47605. (Education Code Section 47605(b)(3).)

A. Pursuant to 5 CCR Section 11967.5.1(d), a charter petition that “does not contain the number of signatures required by subdivision (a)” of Education Code Section 47605 shall be a petition that did not contain the requisite number of signatures at the time of its submission to a school district pursuant to Education Code Section 47605(a). (Emphasis added.)

(1) The Renewal Petition did not contain any of the signatures required by EC Section 47605(a) at the time of its submission.

LVCS Response:
In preparing its charter renewal petition, LVCS was not aware that the District desired that signatures be submitted along with the renewal charter. Authorizers, including school districts and counties up and down the state, as well as the State Board of Education, do not require signatures for a charter renewal because the signature requirement at renewal, which could be met by current teachers in charter schools, amounts to nothing more than an affirmation that current teachers would like to keep their jobs for another five years. At renewal, teachers and/or parents are not petitioning to create something new, only to maintain the charter school in existence.

Furthermore, EC Section 47605(a)(1)(A)-(B) makes plain that signatures collected from parents and teachers are from those who are meaningfully interested in enrolling their child, or working for, the charter school during its first year of operation. The 2010–11 school year will be LVCS’s eleventh year of operation. The Charter School thus believed signatures were not required for its charter renewal petition.

The Charter School regrets not meeting with the District prior to submission of the renewal petition to ascertain the District’s expectations for the renewal charter submission. Nevertheless, the lack of signatures for renewal is an impermissible basis for denial of the charter renewal petition.

CDE response:
Signatures are typically not required by authorizers at the time of renewal. There is no indication that Fort Sage USD changed its policy
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<td>regarding signatures since the last time it renewed LVCS. If Fort Sage USD now requires such signatures from at least half of the LVCS teaching staff, it seems reasonable that LVCS could provide such signatures quickly.</td>
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Addendum 2: Lassen County Board of Education Reasons for Denial

On March 29, 2010, the Lassen County Board of Education (Lassen CBE) adopted findings of fact contained in “Resolution 10-07” in support of its denial of the LVCS petition.

Resolution 10-07 identified the following “specific findings” against the LVCS petition:

1. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
2. The charter presents an unsound educational program for the pupils to be enrolled in the charter school.
3. The petition does not contain reasonably comprehensive descriptions of many of the required elements of a charter.

Resolution 10-07 also identified the following “factual findings,” in support of its “specific findings,” listed above. A summary of the “factual findings” and the petitioner’s responses (where provided) are provided below:

**Finding 1(a):** The petition does not discuss the proposed curriculum in detail, beyond providing a list of textbooks, does not cite research or data to support the educational program, and does not provide a “day in the life” of either the site-based or the independent study program.

**LVCS Response:**
Before responding to each of the findings adopted by the Lassen CBE in Resolution 10-07, LVCS believes it is important to point out that Resolution 10-07 was not substantively discussed, addressed, or considered by the Lassen CBE prior to its adoption on March 29, 2010. It was provided to LVCS only hours before the Lassen CBE meeting. In fact, there was no evidence at the Lassen CBE meeting that any member of the Board had reviewed Resolution 10-07. After the Board President called the meeting to order, Superintendent Jensen gave his report regarding the renewal appeal of LVCS. He never once addressed the resolution for denial. Instead, he articulated what appeared to be a County policy never to approve a charter school. He stated that he did not want the County to be accused (should it approve LVCS) later of expressing favoritism to LVCS, in the event it proceeded against another charter school in its jurisdiction. The Superintendent did not want the County to be seen as engaging in competition with its school districts and other charter schools by “taking away students during declining enrollment.” He did state that the County was not trying to say that LVCS is not a good charter school. Rather it was his recommendation that the charter school be approved by a different authorizer. In fact, he praised LVCS's success. Finally, the Superintendent said that it did not matter what charter or charter school was before the County, he would recommend denial.
### Addendum 2: Lassen County Board of Education Reasons for Denial

The Lassen CBE allowed public comment. Both Mike Yancey, the LVCS Education Director, and LVCS legal counsel addressed the Superintendent's statement, pointing out that his recommendation was not based on any lawful reasons for denial. Many LVCS parents and teachers also passionately addressed the Board. Subsequently, the Board President offered his opinion that the County was not a "symbiotic fit" as the authorizer, and that the charter school would be better off authorized by a different district. After public comment closed, the Board voted 5-0 to approve the Resolution for denial without any discussion of the Resolution whatsoever.

As to the above-listed finding, nothing in the law requires that the charter include a "day in the life." The LVCS charter is typical of older charters, which traditionally were shorter than charters submitted today. With that amount of detail, LVCS was approved and subsequently renewed. However, in preparation for this renewal, LVCS did include additional detail within the educational program section. Given the success of LVCS in comparison to the other schools of the District, LVCS maintains that the Lassen CBE should have requested any information that it believed technically necessary for it to approve the charter instead of depriving its residents of the opportunity provided by LVCS.

**CDE Response:**
Based on the academic performance of LVCS, the petitioners have demonstrated that they have implemented a sound educational program that outperforms surrounding schools. Additional clarifying detail about that program could be included in a technical amendment to the charter petition.

**Finding 1(b):** The petition does not explain how independent study students interface with staff, what resources are available to independent-study students (including, for instance, how the school will make technological resources available to independent study students), and how their work is assessed.

**LVCS Response:**
Nothing in the law requires the amount of detail described above. However, as LVCS has offered its independent study program without any audit exceptions since 2001-2002, the Charter School clearly is meeting all legal requirements. Given the success of LVCS in comparison to the other schools of the District, LVCS maintains that the Lassen CBE should have requested any information that it believed technically necessary for it to approve the charter instead of depriving its residents of the opportunity provided by LVCS.

**CDE Response:**
See CDE Response to Finding 1(a).

**Finding 1(c):** The petition states that "multi-age setting" will be provided (page 9) but does not explain when and how this will occur as
Addendum 2: Lassen County Board of Education Reasons for Denial

part of the education program.

LVCS Response:
The LVCS charter explains that a multi-age setting is utilized in the site based program. However, no further information is required in order for the charter to be deemed to be reasonably comprehensive. Given the success of LVCS in comparison to the other schools of the District, LVCS maintains that the Lassen CBE should have requested any information that it believed technically necessary for it to approve the charter instead of depriving its residents of the opportunity provided by LVCS.

CDE Response:
See CDE Response to Finding 1(a).

Finding 1(d): The petition states that all students will have an “opportunity to develop a Student Goal Plan (SGP)” (Page 10), but does not explain whether this is required of all students. The petition also does not explain whether this is required of all students. The petition also does not sufficiently explain the purpose of Student Goal plans and how a student’s achievement of goals stated in such a plan is related to achievement at the grade level.

LVCS Response:
The LVCS utilizes the SGP as a means to measure student growth in state standards. It is described in the Educational Program and Methods of Measurement sections of the charter. LVCS maintains that these sections are reasonably comprehensive. Given the success of LVCS in comparison to the other schools of the District, LVCS maintains that the Lassen CBE should have requested any information that it believed technically necessary for it to approve the charter instead of depriving its residents of the opportunity provided by LVCS.

CDE Response:
See CDE Response to Finding 1(a).

Finding 2(a): According to the petition, “Several of our high school students enter colleges and universities upon graduation each year.” (Page 6.) “Several” college attendees is not a high standards for achievement.

LVCS Response:
That statement was not intended to set a standard for success; it was not provided as an outcome or even a goal; it was just a generalized statement as to the success of LVCS students to date post-graduation.
### Addendum 2: Lassen County Board of Education Reasons for Denial

**CDE Response:**
There is no legal requirement that a charter petition contain information regarding college-going rates. The statement provided by LVCS regarding college attendance of students does not provide a legal grounds for denial.

**Finding 2(b):** On page 11, the petition states that some of LVCS’s classes have been accepted as meeting the UC/CSU “a-g” requirements. However, the petition does not set forth any plan to increase college attendance or to provide courses that are readily accepted as meeting the “a-g” requirements. It therefore appears that LVCS is insufficiently focused on college-readiness for its students.

**LVCS Response:**
LVCS continues to increase its course offerings which meet the “a-g” requirements, but is unaware of any legal requirement to include information in the charter about the plan to do so. Again, given the success of LVCS in comparison to the other schools of the District, LVCS maintains that the Lassen CBE should have requested any information that it believed technically necessary for it to approve the charter instead of depriving its residents of the opportunity provided by LVCS.

**CDE Response:**
There is no legal requirement that a charter petition focus on college readiness or provide “a-g” requirements. While these are good practices, the absence of such details does not provide a legal grounds for denial. LVCS has demonstrated significantly higher rates of proficiency in mathematics and English-language arts than the surrounding schools according to AYP data. One can conclude that these significantly higher rates of proficiency indicate that LVCS students are more prepared for college than their peers attending the other public schools in the area.

**Finding 2(c):** While the petition states that LVCS has met certain performance targets (page 6), the petition does not lay out information to demonstrate that LVCS’s performance meets the criteria of EC Section 47607, subdivision (b), which states that a charter petition may not be renewed unless the charter school has met at least one of several; criteria regarding academic achievement.

**LVCS Response:**
This finding is without merit because, while EC 47607(b) does set forth criteria for charter schools to meet prior to renewal, the Section does not require a charter school to describe meeting the criteria in the charter petition itself.

**CDE Response:**
Addendum 2: Lassen County Board of Education Reasons for Denial

The CDE concurs with LVCS regarding this finding.

Finding 3: The petition presents an unsound educational program for the pupils to be enrolled in LVCS, in that the petition does not explain the educational program to be provided to low-achieving students and English learners. The petition details how low-achieving students are assessed (page 11), but provides almost no information on how such students are supported. Likewise, the petition explains the assessment of English learners but does not lay out strategies to support such students in school (page 12).

LVCS Response:
This finding is false; strategies for both low achieving students and English Learners are included within the charter. Given the success of LVCS in comparison to the other schools of the District, LVCS maintains that the Lassen CBE should have requested any information that it believed technically necessary for it to approve the charter instead of depriving its residents of the opportunity provided by LVCS.

CDE Response:
The LVCS contains reasonably comprehensive descriptions of its programs for low-achieving students and EL students.

Finding 4: The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition, in that the petition sets forth a procedure for amending the charter petition that is unlawful. The petition states that unless the Board “vetoes” a proposed “solution” (i.e., a material amendment to the charter petition), the “solution” will become a part of the charter (page 20). This procedure does not comply with EC Section 47607, subdivision (a)(2), which requires that material revisions to charter petitions be submitted to the chartering authority in the same manner as set forth in EC Section 47605, and subject to the affirmative approval of the chartering authority.

LVCS Response:
This language was not intended to replace the right of the Authorizer to approve material revisions to the charter in accordance with EC Section 47607. The charter does not specifically state that material revisions will be handled in the manner described by the Lassen CBE’s findings, rather the Lassen CBE has extrapolated this concern from the charter language. Additionally, the Lassen CBE’s findings ignore the remaining provisions of that paragraph within the charter that include the submission of the “solution” to the Fort Sage Unified School District (the Authorizer) for consideration and inclusion on its agenda. LVCS would be glad to clarify that paragraph in the charter to assure the Authorizer that it understands and agrees that material revisions must be approved by the Authorizer in accordance with EC Section 47607.
Addendum 2: Lassen County Board of Education Reasons for Denial

CDE Response:
In the LVCS petition, the process described by the Lassen CBE regarding solutions to problems does not mention material revisions. Clarification about the problem and solution procedures could be addressed in a technical amendment to the charter petition.

Finding 5: The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition, in that the petition sets forth inadequate information regarding the proposed facilities to be utilized by LVCS. The petition currently states that LVCS will continue to occupy the facility provided to LVCS by the District (page 39), but it is the Board’s understanding that LVCS has not filed a request for facilities with the District for the 2010-2011 school year, which means that the District is under no obligation to provide LVCS with facilities even if the Board grants this petition. Therefore, LVCS has articulated no reasonable plan for its facilities needs next year, as required by EC Section 47605, subdivision (g). Likewise, LVCS’s budget does not contain provision for facilities costs beyond the 3 percent of its revenue currently being paid to the District in lieu of a facilities charge.

LVCS Response:
As the District has provided facilities for LVCS for the term of its charter through a mutually agreed upon Memorandum of Understanding ("MOU") and in exchange for increased oversight fees as allowed by EC Section 47613, LVCS has not had to resort to Proposition 39 for facilities. Thus, the charter and the budget documents submitted to the District reflected that long-term agreement. After denying the LVCS renewal without a legally valid basis, the District created its own charter, borrowing provisions from the LVCS charter, to be governed by the District and notified LVCS of its intent to utilize the facilities that had each and every year prior been utilized by LVCS. If this appeal is approved, LVCS will explore all legal options available to maintain its facility in its prior location. If it is not possible, LVCS will find another facility and has already begun to identify options and has been offered local financing for the purchase of a facility. LVCS will update the assumptions in its budget accordingly.

CDE Response:
LVCS submitted its petition to Fort Sage USD in good faith that the district and the school would continue in its facilities agreement as it had over the previous ten years. If that agreement is no longer in place, an authorizer could request an updated budget that includes revised facilities costs.

Finding 6: The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition, in that the petition sets forth inadequate information regarding how administrative services will be provided to LVCS. The petition currently states that LVCS will receive administrative services from the District, but this appears unlikely given District’s denial of the petition. The county office does not have the capability to provide the services that LVCS currently receives from the District. Therefore, LVCS has
Addendum 2: Lassen County Board of Education Reasons for Denial

articulated no reasonable plan for its administrative services needs, as required by EC Section 47605, subdivision (g).

**LVCS Response:**
The petition states that LVCS “will do its own accounting and be its own fiscal agent and may contract for management, educational and other services.” It further states “any services provide by the District to the Charter School shall contracted on a fee for services basis, to be addressed in a memorandum of understanding” It is not clear how Lassen CBE reviewed these sentences and concluded that LVCS will receive administrative services from the District, and thus as the District has not renewed the charter, LVCS is therefore demonstrably unlikely to succeed. LVCS will proceed as promised in its charter to take care of its own administrative services internally and through contractors as necessary. It has no need to contract with the District for any such services.

**CDE Response:**
The CDE concurs with LVCS’s response to this finding.

**Finding 7:** The petition does not contain the number of signatures required by EC Section 47605, subdivision (a), in that the petition is not supported by any signatures. Despite the fact that this issue was identified by the District’s denial of the charter petition, petitioners apparently declined to collect the necessary signatures to support their appeal to the Board.

**LVCS Response:**
This finding is without merit because signatures are not required for charter renewal petitions. The Education Code contemplates signatures for establishing a charter school, not for renewing an existing charter. The State Board of Education has not traditionally required signatures on the charter renewal petitions it receives and reviews. If you think about this requirement, which mandates parent signatures or signatures from 50 percent of the teachers who are meaningfully interested in teaching at the charter school in its first year of operation, logically, it becomes meaningless as a gauge of teacher interest. Naturally, all teachers at the charter school would sign the petition – they would want to keep their jobs for five more years!

**CDE Response:**
Signatures are typically not required by authorizers at the time of renewal. If Lassen CBE requires such signatures from at least half of the LVCS teaching staff, it seems reasonable that LVCS could provide such signatures quickly.

**Finding 8:** The petition does not contain a reasonably comprehensive description of the health and safety policies of the school as required by Education Code Section 47605, subdivision (b)(5)(F), in that the information provided in the charter petition regarding LVCS’s health and safety policies is confusing and disorganized. For instance, the list set forth on page 23 states that the school has a
**Addendum 2: Lassen County Board of Education Reasons for Denial**

drug, alcohol and tobacco free workplace, but then states, “I cannot find this policy as a Board policy. It is in our Employee handbook.” Similarly, the list asserts that the school has a policy relating to the administration of medication in school, but immediately thereafter states: “We have a procedure but not a Board Policy.” The petition therefore provides insufficient information for the Board to determine what health and safety policies are actually in effect at LVCS.

**LVCS Response:**
LVCS maintains its health and safety policies and procedures on site. It regrets that the version of the charter submitted, unintentionally, included earlier statements by staff that are dialoguing internally to ensure that the appropriate policies and/or procedures as described in the charter are in place. Again, LVCS believes it is unfortunate that Lassen CBE did not provide LVCS the opportunity to clarify what was clearly a typographical error in the health and safety section of the charter as it easily could have done so.

**CDE Response:**
The omission of the attachments to the LVCS petition appears to be an oversight. There is no indication that the petitioners were unwilling or unable to provide the attachments upon request.
March 30, 2010

Charter Schools Division
California Department of Education
1430 N Street
Sacramento, CA 95814

Re: Long Valley Charter School Charter Petition Appeal to the State Board of Education

To Whom It May Concern:

This office serves as legal counsel for Long Valley Charter School (the “Charter School”) in its charter renewal petition. This letter is to inform you that the Charter School intends to appeal the denial of its charter petition by the Fort Sage Unified School District (the “District”) and the Lassen County Board of Education (the “County”) to the State Board of Education (“SBE”), as provided for in Education Code Section 47605(j)(1) and Title 5, California Code of Regulations Section 11967(a).

Title 5, California Code of Regulations Section 11967(b) requires that a charter school whose petition has been denied and that wishes to appeal its petition to the SBE must send the following information within 180 days after the denial action:

1. A complete copy of the charter petition as denied by the District. (Attached under Binder Tab 1.)

2. Evidence of the District governing board’s action to deny the petition (e.g. meeting minutes) and the governing board’s written factual findings specific to the particular petition, when available, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code Section 47605(b). (A copy of the District Board meeting minutes is also attached under Binder Tab 2. The District’s findings of fact, and the Charter School’s response to those findings are also attached under Binder Tab 2.)

3. Evidence of the County governing board’s action to deny the petition (e.g. meeting minutes) and the governing board’s written factual findings specific to the particular petition, when available, setting forth specific facts to support one or more of the grounds for denial set forth...
Charter Schools Division
California Department of Education
Re: Long Valley Charter School Charter Petition Appeal to the State Board of Education
March 30, 2010
Page 2 of 2

in Education Code Section 47605(b). (A signed copy of the County’s Resolution to Adopt Findings of Fact and to Deny

(4) the Charter Petition of Long Valley Charter School, attesting to the County’s action to deny the charter, is attached under Binder Tab 3. The Charter School’s response to the findings of fact is also attached under Binder Tab 3.)

(5) A signed certification stating that petitioners will comply with all applicable law. (Attached under Binder Tab 4.)

(6) A description of any changes to the petition necessary to reflect the SBE as the chartering entity as applicable. (A detailed list of changes to reflect the SBE as the Charter School’s authorizer is attached under Binder Tab 5).

(7) A portable USB drive with all the above listed materials in electronic format is also included.

At its March 29, 2010 meeting, the County Board voted to deny the Charter School’s petition. This appeal is therefore well within the 180 day limit for submission of an appeal of a charter petition.

According to Title 5, California Code of Regulations Section 11967(d), no later than 60 days after receiving a complete petition package, the Lassen County Board of Education shall grant or deny the charter petition. We anticipate that the County will adhere to this timeline during its consideration of the charter petition.

We look forward to working with your office and the County as it considers the charter petition. Please feel free to contact me if you have any questions.

Sincerely,

LAW OFFICES OF
MIDDLETON, YOUNG & MINNEY, LLP

JANELLE A. RULEY
ATTORNEY AT LAW
CHARTER

OF THE

LONG VALLEY CHARTER SCHOOL

A CALIFORNIA PUBLIC CHARTER SCHOOL

Whereas the Governing Board of the Fort Sage Unified School District received a valid charter petition on November 18, 2009 submitted pursuant to Education Code Section 47605, and

Whereas the Governing Board of the Fort Sage Unified School District, after holding a public hearing on December 16, 2009 and considering the level of parent and staff support, has determined that the applicants have assembled and presented a valid and meritorious charter petition for renewal of the Long Valley Charter School charter;

Resolved that the Governing Board of the Fort Sage Unified School District hereby approves and grants this charter petition renewal by a vote of ___ to ___ on January 20, 2010 for a period of five years beginning July 1, 2010.

Be it further resolved that this charter constitutes a binding contract upon the Fort Sage Unified School District and Long Valley Charter School.

Witnessed:

______________________________________________

President
Board of Trustees
Fort Sage Unified School District
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AFFIRMATIONS/ASSURANCES

Long Valley Charter School (the “Charter School”):

- Shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Sections 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]

- Shall be deemed the exclusive public school employer of the employees of Long Valley Charter School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(b)(5)(O)]

- Shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]

- Shall not charge tuition. [Ref. Education Code Section 47605(d)(1)]

- Shall admit all students who wish to attend Long Valley Charter School, and who submit a timely application, unless the Charter School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process. Except as required by Education Code Sections 47605(d)(2) and 51747.3, admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(d)(2)(B). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(d)(2)(C). [Ref. Education Code Section 47605(d)(2)(A)-(B)]

- Shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)]

- Shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Improvement Act of 2004.

- Shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]
• Shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers. [Ref. California Education Code Section 47605(l)]

• Shall at all times maintain all necessary and appropriate insurance coverage.

• Shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).

• 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. [Ref. California Education Code Section 47605(d)(3)]

• Will follow any and all other federal, state, and local laws and regulations that apply to Long Valley Charter School including but not limited to:
  - Long Valley Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection.
  - Long Valley Charter School shall on a regular basis consult with its parents and teachers regarding the Charter School's education programs.
  - Long Valley Charter School shall comply with any jurisdictional limitations to locations of its facilities.
  - Long Valley Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment.
  - Long Valley Charter School shall comply with all applicable portions of the No Child Left Behind Act.
  - Long Valley Charter School shall comply with the Public Records Act.
  - Long Valley Charter School shall comply with the Ralph M. Brown Act.
  - Long Valley Charter School shall meet or exceed the legally required minimum number of school days.
Long Valley Charter School shall comply with all laws related to independent study in charter schools including but not limited to Education Code Sections 47612.5 and 51745, *et seq.*
I. Educational Program

Governing Law: A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an ‘educated person’ in the 21st century, and how learning best occurs. The goals identified in the program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners. Education Code Section 47605(b)(5)(A)(i).

Each semester as high school students enroll in the Independent Study program, their education facilitator meets with the student and parent to inform them about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Parents are informed that the Charter School is accredited by the Western Association of Schools and Colleges.

If the proposed school will serve high school pupils, a description of 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. Education Code Section 47605(b)(5)(A)(ii).

Introduction

For the last five years, Long Valley Charter School has maintained an API exceeding 700. In three of those five years, the API has been 740 and above. LVCS has also met AYP for the last three years by encouraging all of our Second through Eleventh Grade students to participate in the State required standardized testing. By offering tutoring for CAHSEE test preparation, the CAHSEE passing rate has increased. In addition, a number of our students have had the honor of having works published by Creative Communications. Several of our high school students enter colleges and universities upon graduation each year.

Further, regarding the financial condition of Long Valley Charter School, with each audit the Charter School has complied with all state and federal laws and regulations and has continuously maintained adequate reserves.

Mission Statement. The mission of Long Valley Charter School is to equip rural students with the educational skills necessary in the 21st century – the ability to read, write, speak, and calculate with clarity and precision, and the ability to participate intelligently and responsibly in a global society. Long Valley Charter School offers alternative choices through site-based learning, independent study and distance learning, to enable students to acquire the knowledge necessary to make a difference in their lives. Long Valley Charter School provides a diverse, student-centered environment in which all students are held to high academic and behavioral standards. Students work in collaborative relationships, both within and outside the Charter School, and perform service to the community.
Our philosophy at Long Valley Charter School is: “smart is not something you are, but something you get by working hard; knowledge is constructed.” This principle is based on the Efficacy Approach, which believes that all people have the ability, but not everyone knows how to get smarter. The first step is to believe you can get smarter, because if you believe you can, you will work hard. We help our students work hard, keep focused, stay committed, and develop alternative strategies when they encounter obstacles. If they don’t learn the way we teach, we teach the way they learn.

People don’t get smarter unless they are given the opportunity to challenge themselves in an area slightly beyond their current abilities and knowledge. This challenge area is beyond the “comfort zone” and before the area where the student becomes frustrated by too much challenge. Our responsibility is to supply opportunities for children to progressively increase their abilities through providing the challenges and knowledge necessary to succeed in life.

**Students to be Served.** Long Valley Charter School admission is open to any resident of California, grade levels K-8 for site-based study and any resident of Lassen County or adjacent counties, grade levels K-12 for Independent Study. The Charter School began with its site-based program serving grades K-6, then evolved to include serving grades 7 and 8. Current enrollment at Long Valley Charter School for the Site-based program is 107 students, and for the independent study program is 165 students. Long Valley Charter School operates in compliance with Education Code Section 47610(c), which requires the Charter School to comply with the minimum age for public school attendance and Title 5 California Code of Regulations Section 11960 which establishes the maximum age for public school attendance.

**Overall Program Goals and Base for the Vision.** Long Valley Charter School’s goal is to develop students who are competent, self-motivated, life long learners. Students shall possess skills, habits and attitudes to be successful throughout life. By providing a vehicle for meaningful parental involvement, we bridge the gap between school and home. Parents are the essential link in improving education. Students observe first hand their parents and teachers working together to make a difference. Long Valley Charter School identifies an educated person as one who possesses the following:

- Knowledge of and ability to demonstrate solid skills in reading, writing, and speaking.
- A core of knowledge which includes cultural, mathematical and scientific literacy.
- Ability to:
  - Think logically, critically, and creatively
  - Understand technology and its uses, and the ability to use technology as a tool
  - Find, select, evaluate, organize, and use information from various sources
  - Accept challenges and utilize opportunities
  - Develop comprehensive communication skills
- Knowledge of pertinent health issues and the development of physical fitness.

The personal qualities we will help students develop are:

- Cooperation, responsibility, confidence and productivity
- Concentration and perseverance
- Curious and inquisitive minds
- Honesty and courage (Trustworthiness)
- Respect and empathy for others and their views
- The ability to negotiate, compromise, and assist in finding group consensus (Fairness)
- The ability to appreciate, respect, and enjoy the visual and performing arts.

Families choose the Long Valley Charter School for a variety of reasons, which include:

- Enhanced educational opportunities
  - Emphasis on technology as a tool
  - Expanded cultural exposure through visual and performing arts
  - Community Outreach program
- Community involvement
- A cooperative, cohesive teaching environment
- Multi-age groupings to allow students to progress at their ability level
- Desire to have more control over the educational process
- Lack of challenge in the previous school experience
- Family philosophy, personal beliefs, and values

The Charter School consults with parents and teachers on a regular basis regarding the Charter School’s education programs as required by the Charter Schools Act. Students that are not meeting the desired pupil outcomes are offered formal support programs such as Response to Intervention services, Title I services, and informal support programs such as after school tutoring.

**Teaching Methodology: How Learning Best Occurs.** Each curriculum area is evaluated and modified to meet the needs of the students on an adopted cycle. Current core programs include:

- **Reading**
  - Houghton Mifflin Literature (K-6)
  - Prentice Hall Literature (7-8)
  - Accelerated Reader (Renaissance Learning) (1-8)
  - Read Naturally
  - Teacher Developed Units

- **Language Arts**
  - Houghton Mifflin Language (K-6)
  - Prentice Hall Language (7-8)
  - Developmental Morphology (K)
  - Step Up to Writing (2-8)
  - Vocabulary and Literacy Skills (Renaissance Learning) (1-8)
  - The WRITE Institute
  - Teacher Developed Units

- **Mathematics**
  - EnVision Math (Scott-Foresman) (K-6)
• McDougall Littell (7-8)
• Math Facts in a Flash (Renaissance Learning) (1-8)
• Accelerated Math (Renaissance Learning) (1-8)
• Teacher Developed Units
• Touch Math

• Science
  • Houghton Mifflin (K-6)
  • Glencoe (7-8)
  • Teacher Developed Units
  • Accelerated Reader literature selections

• Social Sciences
  • Houghton Mifflin (K-8)
  • Whispers of the First Californians
  • Whispers of the Mission Trails
  • Accelerated Reader literature selections
  • Teacher Developed Units

**Community Service Goals.** Long Valley Charter School site based and Independent Study students have the opportunity to design and implement community service projects annually, documenting their work in a portfolio and presenting it for display to the public in a community exhibition.

**Site Based Educational Objectives.** Our purpose is to create a place where learning is viewed as a life long quest, where program objectives evolve with the needs of the students. We strive to:

• Provide multi-age settings to encourage the development of pro-social attitudes of tolerance and responsibility
• Teach students to effectively utilize technology to expand learning opportunities
• Provide parents and students an expanded choice of educational opportunities
• Create opportunities for all members of the Charter School to assume leadership roles and accept responsibility for the learning of all students
• Provide and implement innovative teaching methods in an environment conducive to learning
• Inspire active learning
• Provide support for family based instruction

**Independent Study Educational Objectives.** Long Valley Charter School supports and facilitates independent study for families interested in this type of an alternative educational program pursuant to Education Code Sections 47612.5(b) and 51745-51749.3, and the regulations specified in Title 5, California Code of Regulations, Sections 11700-11710, through:

• Providing support for family based instruction
• Lesson planning and consultation
- Sharing Long Valley Charter School resources after school hours
- Sharing Community Outreach programs and assemblies
- Participation in extracurricular activities at Long Valley Charter School

**Community Outreach Program.** The Community Outreach Program is designed to bring a wide variety of educational information to our students through multiple methods. Long Valley Charter School utilizes the community as a learning resource at the Charter School through visiting experts, field studies, mentors, and possibly student internships. The Community Outreach Committee developed partnerships with community colleges, universities, professional and humanities groups, and performing and visual arts groups to expose the students to career opportunities and cultural enrichment. Our purpose is to give our children the opportunity to dream about the multiple possibilities for their future.

The Community Outreach Committee invites Independent Study students and students from Fort Sage School District (the “District”) to share events with Long Valley Charter School. Long Valley Charter School has cooperative ventures with the other schools in the District such as Outdoor Education Camp, Lit Jam and Lit Fest that enhance opportunities for all families in our community.

**Student Goal Plan.** All students deserve the opportunity to develop interests, uncover hidden talents, experience satisfaction and accomplishments. Each student enrolled in the Charter School has an opportunity to develop a Student Goal Plan (SGP). This is an individually defined program created by the teacher, the parent and student, to set achievement goals for academic progress. The SGP is closely tied to measurable student outcomes and assessment procedures, and is periodically reviewed by the student, teacher, and parents. Students and parents receive assessment reports throughout the year, which indicate the students’ progress toward the goals outlined in their SGP. Students also receive report cards appropriate for their grade level. Students in the grades K-3 site-based program receive Standards Based Report Cards. Students in the grades 4-8 site-based program receive report cards with traditional letter grades and the report card system is evolving to the Standards Based Report Cards. Independent study students receive grade appropriate report cards with traditional marks.

**Staff Enrichment Program.** Each member of the teaching staff at Long Valley Charter School provides and participates in the staff enrichment program. Each teacher chooses projects that mutually benefit the Charter School staff. These projects may be an innovative teaching method, program or concept. Upon approval of the project by the Advisory Council, the Enrichment Teacher receives training, which they share with the rest of the staff through in-service. The Enrichment Teacher is responsible for providing staff support for this project throughout the year. The purpose of the Staff Enrichment Program is to improve the quality of education, build a cooperative, cohesive staff, promote shared responsibilities, and facilitate open communication among our educators.

**Transferability and Eligibility of Courses.** When an independent study program high school student and his or her parents have the first meeting with their Education Facilitator, they are informed of the California high school graduation requirements and the courses required by the California State University system. Students are enrolled in the courses required for their
individual goals that meet California high school graduation requirements. Parents and students are informed that some high schools may not consider all courses transferable and that the Charter School is accredited with the Western Association of Schools and Colleges. The California State University system has accepted courses creditable under the “A” to “G” admissions criteria to meet college entrance requirements.

**Serving Academically Low-Achieving Students**

The Charter School offers tutoring in the basic subjects for low performing student Independent Study during traditional school hours. We are using Scantron to establish base-line performance in the areas of reading, math and language arts for our Independent Study students only to help identify students’ needs and to show student growth. It will also show us which students have advanced skills in these areas. Site-based students are assessed with DIBELS and the Scholastic Test of Achievement in Reading to establish both base-line and growth scores for reading. All students use the Accelerated Reader on-line reading assessment program. Site-based students are assessed with the Accelerated Math on-line program. All students are assessed in basic math skills using Math Facts in a Flash.

Site-based students who perform low in the area of reading are offered Title 1 teacher assistance as well as reading interventions in small group settings allowing for intensive reading instruction for an additional twenty minutes a day Monday through Thursday.

**Serving Academically High-Achieving Students**

Advanced Independent Study high school students may enroll in Barstow Community College on-line course work beginning in grade 9 based on STAR scores, report cards, and teacher observation or on campus at Lassen Community College to take course work for high school credit and if their parents choose to pay the tuition, students may earn their AA by the time they graduate from high school. We also offer several visual and performing arts options such as music, dance, and art for our students through private vendors.

**Serving English Learners**

**Overview**

The Charter School will meet all applicable legal requirements for English Learners (“EL”) as it pertains to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirements. The Charter School will implement policies to assure proper placement, evaluation, and communication regarding ELs and the rights of students and parents.

**Home Language Survey**

The Charter School will administer the home language survey upon a student’s initial enrollment into the Charter School (on enrollment forms).
**CELDT Testing**

All students who indicate that their home language is other than English will be CELDT tested within thirty days of initial enrollment\(^1\) and at least annually thereafter between July 1 and October 31\(^{st}\) until re-designated as fluent English proficient.

The Charter School will notify all parents of its responsibility for CELDT testing and of CELDT results within thirty days of receiving results from publisher. The CELDT shall be used to fulfill the requirements under the No Child Left Behind Act for annual English proficiency testing.

**Reclassification Procedures**

Reclassification procedures utilize multiple criteria in determining whether to classify a pupil as proficient in English including, but not limited to, all of the following:

- Assessment of language proficiency using an objective assessment instrument including, but not limited to, the California English Language Development Test or CELDT.

- Participation of the pupil’s classroom teachers and any other certificated staff with direct responsibility for teaching or placement decisions of the pupil to evaluate the pupil’s curriculum mastery.

- Parental opinion and consultation, achieved through notice to parents or guardians of the language reclassification and placement including a description of the reclassification process and the parents opportunity to participate, and encouragement of the participation of parents or guardians in the reclassification procedure including seeking their opinion and consultation during the reclassification process.

- Comparison of the pupil’s performance in basic skills against an empirically established range of performance and basic skills based upon the performance of English proficient pupils of the same age that demonstrate to others that the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.

- The Student Oral Language Observation Matrix will be used by teachers to measure progress regarding comprehension, fluency, vocabulary, pronunciation, and grammar usage.

**Strategies for English Learner Instruction and Intervention**

All LVCS current teachers have completed ELD course work or testing (SDAIE) to be able to instruct English Learners. Most of our curriculum includes ELD materials.

\(^1\) The thirty-day requirement applies to students who are entering a California public school for the first time or for students who have not yet been CELDT tested. All other students who have indicated a home language other than English will continue with annual CELDT testing based upon the date last tested at the prior school of enrollment.
Serving Students with Disabilities

Overview

The Long Valley Charter School shall comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act (“Section 504”), the Americans with Disabilities Act (“ADA”) and the Individuals with Disabilities in Education Improvement Act (“IDEIA”).

The Charter School shall be categorized as a public school of the County in accordance with Education Code Section 47641(b).

The Charter School shall comply with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures; and shall utilize appropriate SELPA forms.

The Charter School shall be solely responsible for its compliance with Section 504 and the ADA. The facilities to be utilized by the Charter School shall be accessible for all students with disabilities.

Section 504 of the Rehabilitation Act

The Charter School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Charter School. Any student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the Charter School.

A 504 team will be assembled by the Executive Director and shall include the parent/guardian, the student (where appropriate) and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and accommodations. The 504 team will review the student’s existing records; including academic, social and behavioral records, and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEIA but found ineligible for special education instruction or related services under the IDEIA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team, which will evaluate the nature of the student’s disability and the impact upon the student’s education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team may also consider the following information in its evaluation:

- Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.
Tests and other evaluation materials including those tailored to assess specific areas of educational need, and not merely those which are designed to provide a single general intelligence quotient.

Tests are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student’s aptitude or achievement level, or whatever factor the test purports to measure, rather than reflecting the student’s impaired sensory, manual or speaking skills.

The final determination of whether the student will or will not be identified as a person with a disability is made by the 504 team in writing and notice is given in writing to the parent or guardian of the student in their primary language along with the procedural safeguards available to them. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEIA, a referral for assessment under the IDEIA will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives a free and appropriate public education (“FAPE”). In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the School’s professional staff.

The 504 Plan shall describe the Section 504 disability and any program accommodations, modifications or services that may be necessary.

All 504 team participants, parents, guardians, teachers and any other participants in the student’s education, including substitutes and tutors, must have a copy of each student’s 504 Plan. The site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student’s file. Each student’s 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, needed modifications to the plan, and continued eligibility.

The Charter School continues to function as a “public school of the County Office of Education” for purposes of providing special education and related services pursuant to Education Code Section 47641(b).

The Charter School and County annually, in good faith negotiate, and enter into a written agreement to more clearly specify the desired mix of special education funding and services to be provided. The Charter School enjoys reasonable flexibility to decide whether to receive services, funding, or some combination of both pursuant to Education Code Section 47646(b). The Charter School and the County work in good faith to document the specific terms of this relationship in an annual agreement or memorandum of understanding.
The Charter School shall have the right to pursue independent local education agency (LEA) and/or special education local plan area (SELPA) status pursuant to Education Code Section 47641(a), and the District shall not hinder, or otherwise impede the efforts of the Charter School to do so. In the event that the Charter School opts not to establish independent LEA and/or SELPA status, it shall remain an arm of the County for special education purposes as required by Education Code Section 47641(b), and/or shall continue to receive funding and services pursuant to the terms of this section and its annual agreement.
II. Measurable Student Outcomes

**Governing Law:** The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program. *Education Code Section 47605(b)(5)(B).*

Student outcomes are defined as the degree to which all students of the Charter School demonstrate that they have attained the skills, knowledge and attitudes commensurate to their abilities, as specified in the goals of the Charter School’s educational program.

Long Valley Charter School provides teachers, parents, and students specific grade level standards at the beginning of each school year. Student outcomes align with the California State content and performance standards, pursuant to Educational Code 47605(c)(1). Long Valley Charter School students participate in all state-mandated testing programs.

Students will continue to demonstrate increased skills and understanding of core subjects including:

- **Language Arts**
  - Reading, oral and written language
  - Literature from various time periods and cultures

- **Mathematics**
  - Developing the ability to reason logically and understand and apply mathematical concepts and processes, including those within arithmetic, algebra, geometry, and other mathematical subjects the staff and school board consider appropriate.
  - Comprehensive understanding of how math is applied to the real world in technology today.

- **Science**
  - Utilizing scientific research and inquiry methods to understand and apply the major concepts underlying various branches of science, which may include physics, chemistry, biology, ecology, astronomy, and earth sciences.
  - Comprehensive understanding of how science is applied to the real world in technology today.

- **Social Sciences**
  - Civic, historical, and geographical knowledge in order to serve as citizens in today’s world of diverse cultures.

Students will also continue to demonstrate the skills that Long Valley Charter School has determined are necessary to become a life long learner, including:

- Technology as a resource to increase knowledge
- Increased awareness of their environment and community
• An appreciation of visual and performing arts

In order to best serve our students and community, Long Valley Charter School will continue to examine and refine its list of student outcomes over time to reflect the Charter School’s mission and any changes to state or local standards that support this mission. Long Valley Charter School will submit to the District Board a description of any changes to the above student outcomes.
III. Assessment Methods and the Use and Reporting of Data

_Governing Law: The method by which pupil progress in meeting those pupil outcomes is to be measured. Education Code Section 47605(b)(3)(C)._

Long Valley Charter School meets all statewide standards and conducts the pupil assessments required pursuant to Education Code Section 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.

All Long Valley Charter School students will continue to demonstrate growth appropriate for each student as outlined in their individual Student Growth Plan in all of the core academic areas. Non-special needs and non-English Learner students will continue to demonstrate growth before promotion to the next grade. Academic growth is determined through the use of multiple measures, as described below. Academic growth for special needs and EL students is defined appropriately according to their Individualized Education Plans and/or English proficiency levels.

Long Valley Charter School students are assessed in each of the core academic skill areas by a combination of ongoing “authentic” assessments. These assessments include the following measurement tools:

- Statewide assessment testing through the STAR (Standardized Testing and Reporting) program
- School adopted benchmark curriculum assessments (including STAR Reading, Early STAR Literacy, and Accelerated Math)
- The students’ personal Student Goal Plan
- Samples of student work (writing, projects, etc.)
- Self-evaluation by the student
- Demonstration of student’s skills and knowledge through performance based instruction
- Observation and evaluation by teachers

The results of these assessments are shared regularly with parents through the following means:

- Conferences and Student Goal Plan reviews
- Progress reports and report cards
- Student testing and class/homework
- Publication of a SARC annually
- Disclosing API each school year
- Disclosing AYP each school year
- Disclosing the overall attendance rate
- Disclosing expected school-wide learning results

_Charter School Evaluation and Review_. Each year, Long Valley Charter School will conduct a program evaluation to determine the effectiveness of all aspects of the program by evaluating measurable student growth. The Education Director or designee will make the resulting reports available to the Advisory Council and the sponsoring district.
The Education Director or designee of Long Valley Charter School shall make an annual presentation to the District Board, on the results of the evaluations which will assess all aspects of the Charter, including but not limited to: program content, management, budget, and future plans. The assessment may be accomplished by, but is not limited to, the following methods: analyzing the charter/parent evaluation, discussing the Charter School with the Charter Staff, and evaluating measurable student growth.
IV. Governance Structure

*Governing Law: The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement. Education Code Section 47605(b)(5)(D).*

The Long Valley Charter School is operated as a California Nonprofit Public Benefit Corporation pursuant to California law. The Charter School is governed pursuant to the bylaws adopted by the incorporators, as subsequently amended pursuant to the amendment process specified in the bylaws, attached hereto as Attachment A.

The Long Valley Charter School governing structure is addressed in Figure 1 below. Long Valley Charter School is governed by the Long Valley Charter School Board of Directors, which will include not less than five members. Directors will be elected according to the Long Valley Charter School Election Policy. The Directors’ major roles and responsibilities include:

- Establishing, approving, and supervising all major educational and operational policies
- Approving all major contracts
- Reviewing and approving the Charter School’s annual budget
- Approving changes to the budget greater than 5% of the total annual ADA
- Overseeing the Charter School’s financial affairs
- Selecting and evaluating the top administrative staff
- Approving Charter amendments by a 2/3 majority

The Board of Directors shall accept, consider, and be responsive to input from all stakeholders. The Board of Directors facilitates the identification of problems and the consensus building needed to identify and implement solutions that will help to maintain a successful school. Consensus is defined as agreement to a solution by all those involved, agreement means that the participants can live with a solution, even though some may not like it. On major issues the Charter School will survey parents and staff to determine if the solutions have their support. When solutions are outside of the authority of this charter, the Board of Directors will inform the Fort Sage Unified School District Board of Trustees. Unless the Board of Directors vetoes the solution within sixty days after it first appears on a Board of Trustees agenda and is presented by the Education Director, or designee, at a Board meeting, the solution will become a part of this charter and will be reflected as an amendment that will be attached at the end of this charter in sequence as “Amendment 1, Amendment 2, etc.” If the issue requires immediate attention, the Long Valley Charter School would like a determination by the next regularly scheduled board meeting.

Long Valley Charter School’s Board of Directors may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which charter schools are established.

The Board of Directors may execute any powers delegated by law to it and shall discharge any duty imposed by law upon it and may delegate to an officer or employee of the Charter School
any of those powers or duties. The Board of Directors, however, retains ultimate responsibility over the performance of those powers or duties so delegated.

Stakeholders of the Long Valley Charter School are elected to the Board of Directors in accordance with the Long Valley Charter School Election Policy. The stakeholders are defined as parents of students enrolled at Long Valley Charter School and staff members.

The Charter School bylaws permit one representative of the Fort Sage Unified School District Board of Trustees to sit on the Long Valley Charter School Board of Directors. To prevent any real or perceived conflict of interest, the District representative shall not be a District staff member or a County staff member employed at Fort Sage Unified School District, nor shall he or she be a member of the District or County Board. This representative is to sit on the Board of Directors as a nonvoting member to facilitate communications and mutual understanding between Long Valley Charter School and Fort Sage Unified School District.

The Education Director hired by the Long Valley Charter School Board of Directors is provided with an applicable job description and a contract approved by the Charter School Board of Directors. The Education Director implements the established direction and outcomes of the Charter School program in order to achieve the Charter School’s goals and objectives and to further the Charter School’s philosophy. The Education Director is responsible for:

- Recommendations for hiring and termination of certificated staff pursuant to Charter School personnel policy and subject to the Board of Directors approval
- Supervising and evaluating all certificated staff members of the Charter School
- Presenting an annual report of programs to the District Board and the Charter School Board of Directors
- Liaison between the Board of Directors and the District Board
- Liaison between the Board of Directors and the Advisory Council
- Liaison between the Charter School and the community

The Financial Director hired by the Long Valley Charter School Board of Directors is provided with an applicable job description and contract approved by the Charter School Board of Directors. The Financial Director is responsible for:

- Budget preparation and presentation to the Board of Directors
- Overseeing all daily and fiscal operations of the Charter School
- Presenting an annual financial report to the District Board and the Charter School Board of Directors
- Supervising and evaluating all classified staff members of the Charter School
- Liaison between the Board of Directors and the District Board
- Liaison between the Board of Directors and the Advisory Council
- Liaison between the Charter School and the community

The Long Valley Charter School formed an Advisory Council composed of equal members of staff, and parent/community members. The staff members consist of the Education Director, representatives of certificated and classified staff. School-wide problems are identified by means
of a suggestion box or by stakeholders. The Advisory Council is the forum where these problems are first publicly discussed. The Advisory Council works to create solutions that are acceptable until consensus is reached, or all objections have been addressed. This Council has the opportunity to make educational and operational recommendations to the Long Valley Charter School Board of Directors and the Education Director. It works with parents to develop parental involvement strategies and policies, and to submit the policies to the Board of Directors for approval.

In addition to the governance structure illustrated in Figure 1, Long Valley Charter School incorporated a Community Advisory Board as a resource for the School Board and the Executive Director. The Community Advisory Board is comprised of qualified interested community members such as business owners, community leaders, politicians, and members of the professional community.

**Figure 1: Governance Structure**

<table>
<thead>
<tr>
<th>Local Education Agency Fort Sage Unified School District</th>
<th>LVCS Board of Directors</th>
</tr>
</thead>
<tbody>
<tr>
<td>LVCS Advisory Council</td>
<td>Education Director</td>
</tr>
<tr>
<td>Technology Committee</td>
<td>Visual &amp; Performing Arts Committee</td>
</tr>
<tr>
<td>Library Committee</td>
<td>Community Outreach Committee</td>
</tr>
</tbody>
</table>

The Long Valley Charter School is non-sectarian in its programs, admissions policies, employment practices, and all other operations, does not charge tuition, and does not discriminate on the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).
V. Employee Qualifications

*Governing Law: The qualifications to be met by individuals to be employed by the school. Education Code Section 47605(b)(5)(E).*

The Long Valley Charter School retains or employs teaching staff who hold appropriate California teaching certificates, permits, or other documents issued by the Commission on Teacher Credentialing. These teachers teach the core academic classes of mathematics, language arts, science, and history/social studies. Core teachers are responsible for overseeing the students’ academic progress, and for monitoring grading.

The Long Valley Charter School also employs or retains non-certificated instructional support staff, in any case where a prospective employee has an appropriate mix of subject matter expertise, professional experience, and the demonstrated capacity to work successfully in an instructional support capacity.

All instructional and non-instructional staff employed by Long Valley Charter School possess the experience and expertise appropriate for their position within the Charter School as outlined in the Charter School’s job description, the Charter School’s adopted personnel policies.

Long Valley Charter School requires that each employee and contractor of the Charter School submit to a criminal background check and furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1.

The Education Director must hold an Administrative Services Credential. A masters degree is preferred.

The Financial Director must hold a baccalaureate degree in business or a related field.

Persons employed in teaching positions must hold a valid California teaching credential.

Persons employed as paraprofessionals or paraeducators must be highly qualified by holding an associate degree or passing of the CODESP and receiving a certificate as a highly qualified paraprofessional/paraeducator.
VI. Health and Safety Procedures

**Governing Law**: The procedures the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237. Education Code Section 47605(b)(5)(F).

Long Valley Charter School adopted and implemented a comprehensive set of health, safety, and risk management policies, which are attached hereto as Attachment B. It is our intent to operate a safe, risk free school to protect students and staff alike. The policies were developed in consultation with the Charter School’s insurance carriers address the following issues:

- A requirement that all enrolling students and staff provide records documenting immunizations to the extent required for enrollment in non-charter public schools.
- A requirement that each employee and contractor of the Charter School submit to a criminal background check and furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1.
- A Policy requiring tuberculosis testing for employees.
- Policies and procedures for responding to emergencies and natural disasters.
- Policies and procedures for contacting parents or guardians in case of an emergency.
- Policies relating to the prevention of exposure to blood borne pathogens and communicable diseases.
- A policy relating to the administration of medication in school. We have a procedure that but not a Board Policy.
- A policy requiring that instructional staff receive training in emergency response, including “first responder” training or an equivalent.
- A policy establishing that Long Valley Charter School operates as a drug, alcohol, and tobacco free workplace. I cannot find this policy as a Board Policy. It is in our Employee Handbook.
- A policy for the prevention of sexual harassment.
- A policy for facility safety, including seismic safety.
- A policy requiring the completion of the California School Immunization Record including proof of examination for tuberculosis to determine if immunization requirements have been met, using the “California “Immunization Requirements for Grades K-12.” The Charter School will participate in the annual vision, hearing, scoliosis, and diabetes screening provided by the Lassen County Office of Education.

The policies above are incorporated as appropriate into the Charter School’s handbook, and are reviewed annually or as necessary, by the Charter School’s Advisory Council. Revisions are submitted to the Board of Directors for approval.
VII. Racial and Ethnic Balance

_Governing Law:_ The means by which the school will achieve the racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the district to which the charter petition is submitted. _Education Code Section 47605(b)(5)(G)._ 

Long Valley Charter School does not discriminate against any student or employee on the basis of the characteristics listed in _Education Code Section 220_ (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in _Section 422.55_ of the _Penal Code_ or association with an individual who has any of the aforementioned characteristics). Each student who attends Long Valley Charter School does so on a voluntary basis, and the program appeals to all people. The Long Valley Charter School implemented a student and employee recruitment strategy that included, but is not limited to the following elements to ensure a racial and ethnic balance that is reflective of the general population residing within the territorial jurisdiction of the District:

- Promotional and informational materials that appeal to all of the various racial and ethnic groups represented in the District.
- Development of the above materials in languages other than English to appeal to populations with limited English proficiency.
- The service of Spanish speaking staff, when available, to facilitate communication for limited English proficient parents and community members.
- Implementation of a translating program to convert English to Spanish for the purpose of written Charter School communication.
VIII. Admission Requirements

*Governing Law: Admission requirements, if applicable. Education Code Section 47605(b)(5)(H).*

Students are considered for admission without regard to ethnicity, national origin, gender, disability, religion, or achievement level or any other characteristic described in Education Code Section 220. Admission to the site based school is open to any resident of California. Independent study students must be residents of Lassen County or adjacent counties. Prospective students and their parents or guardians receive material regarding the Charter School's instructional and operational philosophy, and student-related policies. Upon enrollment, students and parents are required to agree to comply with rules and regulations of the student/parent handbook, and commit to attend school everyday.

In the event there are more applicants than capacity, attendance, except for existing pupils, will be determined by public random drawing. Long Valley Charter School adopted and maintains policies granting admissions preference to families who live in the previously established attendance area of Long Valley Charter School, siblings of existing students, the children of staff members, and those students on the previous year’s wait list. Subsequent preference is given to students who live in District boundaries. The student enrollment capacity level is set by the Long Valley Charter School Board of Directors. Students who do not achieve enrollment through the public random drawing are placed on a waiting list for enrollment, in the order in which their names were drawn in the public random drawing. They will be contacted in accordance with their number on the list, as vacancies in their appropriate grade levels become available. The Charter School’s Admissions and Attendance Policies are attached hereto as Attachment D.

The Long Valley Charter School requests parents or guardians to participate at the Charter School by volunteering. Participation activities will be outlined in the Parent Student Handbook.
IX. Annual Financial Audits

**Governing Law:** *The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.*” Education Code Section 47605 (b)(5)(I).

An annual independent fiscal audit of the books and records of the Charter School will be conducted as required by Education Code Sections 47605(b)(5)(I) and 47605(m). The books and records of the Charter School will be kept in accordance with generally accepted accounting principles, and as required by applicable law and the audit will employ generally accepted accounting procedures. The audit shall be conducted in accordance with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controllers Guide.

The Board of Directors will select an independent auditor through a request for proposal format. The auditor will have, at a minimum, a CPA and educational institution audit experience and approved by the State Controller on its published list as an educational audit provider. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in applicable Office of Management and Budget Circulars.

The annual audit will be completed and forwarded to the District, the County Superintendent of Schools, the State Controller, and to the CDE by the 15th of December of each year. The Educational Director and the Finance Director will review any audit exceptions or deficiencies and report to the Charter School Board of Directors with recommendations on how to resolve them. The Board will submit a report to the District describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the District along with an anticipated timeline for the same.

The independent fiscal audit of the Charter School is public record to be provided to the public upon request.
X. Suspension or Expulsion Procedures

*Governing Law: The procedures by which pupils can be suspended or expelled.” Education Code Section 47605(b)(5)(J).*

The Long Valley Charter School developed and maintains a complete set of student discipline policies, which comply with state and federal due process requirements for both general and special education students, and which are attached hereto as Attachment E. These policies are included in, and distributed as part of the Charter School handbook, and clearly outline the Charter School’s expectations regarding attendance, mutual respect, violence, safety issues, work habits, and substance abuse policy. Each student and his or her parent or guardian will be required to sign an agreement that he or she has reviewed and understands the Charter School’s policies upon enrollment.

XI. Employee Retirement System

_Governing Law: The manner by which staff members of the charter schools will be covered by the State Teachers’ Retirement System, the Public Employees’ Retirement System, or federal social security. ” Education Code Section 47605(b)(5)(K)._

Employees may participate in the State Teachers’ Retirement System (“STRS”) and Social Security, or other retirement systems depending on each individual’s eligibility, choice, and current law.
XII. Attendance Alternatives

_Governing Law:_ The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools. *Education Code Section 47605(b)(5)(L)._ 

Enrollment at the Long Valley Charter School is entirely voluntary on the part of the students who attend. The traditional program of Fort Sage Unified School District continues to be an option for all students who choose not to enroll in the Charter School.

The Charter School will inform the parent or guardian of each pupil enrolled in the Charter School that the pupils have no right to admission in a particular school of any local education agency (or program of any local education agency) as a consequence of enrollment in the Charter School, except to the extent that such a right is extended by the local education agency.
XIII. Employee Rights

_Governing Law:_ A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. Education Code Section 47605(b)(5)(M).

No public school district employee shall be required to work at the Charter School. Employees of the District who choose to leave the employment of the District to work at the Charter School will have no automatic rights of return to the District after employment by the Charter School unless specifically granted by the District through a leave of absence or other agreement. Charter School employees shall have any right upon leaving the District to work in the Charter School that the District may specify, any rights of return to employment in a school district after employment in the school that the District may specify, and any other rights upon leaving employment to work in the school that the District determines to be reasonable and not in conflict with any law.

All employees of the Charter School will be considered the exclusive employees of the Charter School and not of the District, unless otherwise mutually agreed in writing. Sick or vacation leave or years of service credit at the District or any other school district will not be transferred to the Charter School. Employment by the Charter School provides no rights of employment at any other entity, including any rights in the case of closure of the Charter School.
XIV. Dispute Resolution Process

Governing Law: The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter. Education Code Section 47605(b)(5)(N).

Intent. It is the intent of our dispute resolution process to:

- Resolve disputes within the Charter School pursuant to the Charter School’s policies
- Minimize oversight burden on the District
- Ensure prompt and fair resolution to disputes

Public Comment. The staff and Governing Board of the Charter School and the District agree to attempt to resolve all disputes regarding this charter pursuant to the terms of this section. Both shall refrain from public commentary regarding any disputes until the matter has progressed through the resolution process.

Disputes between the Charter School and the Charter-Granting Agency. In the event that the Charter School or granting agency has disputes regarding the terms of this charter or any other issue regarding the Charter School and grantor’s relationship, both parties agree to follow the process outlined below. The “oversight reporting and revocation procedure” set forth below is specifically exempted from this mediation procedure.

In the event of a dispute between the Charter School and the grantor, the staff and members of Board of Directors of the Charter School and District agree to first frame the issue in written format, and refer the issue to the superintendent of the granting agency and education director or designee of the Charter School. In the event that the grantor believes that the dispute relates to an issue that could lead to the revocation of the charter, the Charter School requests that this shall be specifically noted in the written dispute statement. The Charter School agrees that these dispute resolution procedures cannot be utilized to impede or prevent the District from proceeding toward revocation or non-renewal which shall be done in accordance with Education Code Section 47607.

The Education Director, or designee, and Superintendent shall informally meet and confer in a timely fashion to attempt to resolve the dispute. In the event that this informal meeting fails to resolve the dispute, both parties shall identify two Governing Board members from their respective boards who shall jointly meet with the Superintendent of the District or County and Education Director or designee of the Charter School and attempt to resolve the dispute.

If this joint meeting fails to resolve the dispute, the Superintendent and Education Director, or designee, shall meet to jointly identify a neutral, third party mediator whose expense shall be shared equally by both parties. The format of the mediation session shall be developed jointly by the Superintendent and Education Director or designee. If mediation does not resolve the dispute either party may pursue any other remedy available under the law. All procedures in this section may be revised upon mutual written agreement of the District and the Charter School. The cost of mediation shall be equally spilt between the District and the Charter School.
**Oversight Reporting and Revocation.** The Fort Sage Unified School District may inspect or observe any part of the Charter School at any time. While not legally required, the Charter School asks, but recognizes it cannot compel, reasonable notice prior to any observation or inspection.

This charter may be revoked or non-renewed by the authority that granted the charter, the District Board of Trustees, pursuant to Education Code Section 47607.

If the Governing Board of the District believes it has cause to revoke this charter, the board agrees to notify the Board of Directors of the School in writing, noting the specific reasons for which the charter may be revoked, and grant the School reasonable time to respond to the notice and take appropriate corrective action.
XV. Public School Employer

_Governing Law:_ A declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code). Education Code Section 47605(b)(5)(O).

The Charter School shall be deemed the exclusive public school employer of the employees of the Charter School for the purposes of the Educational Employment Relations Act (“EERA”). The Charter School recognizes the employees’ rights under the EERA provisions to organize for collective bargaining.
XVI. Closure

_Governing Law:_ A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records. Education Code Section 47605(b)(5)(P).

Closure of the Charter School will be documented by official action of the Board of Directors. The action will identify the reason for closure. The official action will also identify an entity and person or persons responsible for closure-related activities.

The Board of Directors will promptly notify parents and students of the Charter School, the District, the Lassen County Office of Education, the Charter School’s SELPA, the retirement systems in which the Charter School’s employees participate (e.g., Public Employees’ Retirement System, State Teachers’ Retirement System, and federal social security), and the California Department of Education of the closure as well as the effective date of the closure. This notice will also include the name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure; the pupils’ school districts of residence; and the manner in which parents/guardians may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.

The Board will ensure that the notification to the parents and students of the Charter School of the closure provides information to assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the Board's decision to close the Charter School.

The Board will also develop a list of pupils in each grade level and the classes they have completed, together with information on the pupils’ districts of residence, which they will provide to the entity responsible for closure-related activities.

As applicable, the Charter School will provide parents, students and the District with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act (“FERPA”) 20 U.S.C. § 1232g. The Charter School will ask the District to store original records of Charter School students. All records of the Charter School shall be transferred to the District upon Charter School closure. If the District will not or cannot store the records, the Charter School shall work with the County Office of Education to determine a suitable alternative location for storage.

All state assessment results, special education records, and personnel records will be transferred to and maintained by the entity responsible for closure-related activities in accordance with applicable law.

As soon as reasonably practical, the Charter School will prepare final financial records. The Charter School will also have an independent audit completed within six months after closure. The Charter School will pay for the final audit. The audit will be prepared by a qualified
Certified Public Accountant selected by the Charter School and will be provided to the District promptly upon its completion. The final audit will include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to the Charter School.

The Charter School will complete and file any annual reports required pursuant to Education Code Section 47604.33.

On closure of the Charter School, all assets of the Charter School, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending the Charter School, remain the sole property of the Charter School and shall be distributed in accordance with the Articles of Incorporation upon the dissolution of the non-profit public benefit corporation to another California public educational entity. Any assets acquired from the District or District property will be promptly returned upon Charter School closure to the District. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

On closure, the Charter School shall remain solely responsible for all liabilities arising from the operation of the Charter School.

As the Charter School is operated as a non-profit public benefit corporation, should the corporation dissolve with the closure of the Charter School, the Board will follow the procedures set forth in the California Corporations Code for the dissolution of a non-profit public benefit corporation and file all necessary filings with the appropriate state and federal agencies.

As specified by the Budget in Exhibit 2, the Charter School will utilize the reserve fund to undertake any expenses associated with the closure procedures identified above.
XVII. Financial Planning, Reporting, And Accountability

Budgets and Financial Plan

_Governing Law:_ The petitioner or petitioners shall also be required to provide financial statements that include a proposed first year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation. -- Education Code Section 47605(g)

A multi-year financial plan for the Charter School is attached. This plan is based on the best data available to the developers at the time the plan was assembled. Attached as Appendix [INSERT], please find the following documents:

1. A projected annual budget
2. An interim financial report as of October 31

Financial and Programmatic Reporting

_Budget and Financial Reporting Schedule_

The Charter School will annually prepare and submit to the District:

- On or before July 1<sup>st</sup>, a final budget
- On or before December 15<sup>th</sup>, an interim financial report which reflects changes to the final budget through October 31<sup>st</sup>. Additionally, on December 15, a copy of the Charter School’s annual, independent financial audit report for the preceding fiscal year shall be delivered to the District, State Controller, State Department of Education and County Superintendent of Schools
- On or before March 15<sup>th</sup>, a second interim financial report which reflects changes to the final budget through January 31<sup>st</sup>
- On or before September 15<sup>th</sup>, a final unaudited financial report for the prior full fiscal year

Attendance Accounting

The Charter School will implement an attendance recording and accounting system, to ensure contemporaneous record keeping, which complies with state law.

_Reporting_

The Charter School will provide reporting to the District as required by law and as requested by the District including but not limited to the following: California Basic Educational Data System (CBEDS), actual Average Daily Attendance reports, all financial reports required by Education
Code Sections 47604.33 and 47605(m) (as stated above) and the School Accountability Report Card (SARC).

The Charter School agrees to and submits to the right of the District to make random visits and inspections in order to carry out its statutorily required oversight.

Pursuant to Education Code Section 47604.3 the Charter School shall promptly respond to all reasonable inquiries including, but not limited to inquiries regarding its financial records from the District, the County Office of Education, and the State Superintendent of Public Instruction.

**Insurance**

The District shall not be required to provide coverage to the Charter School under any of the District's self-insured programs or commercial insurance policies. The Charter School shall secure and maintain, as a minimum, insurance as set forth below to protect the Charter School from claims which may arise from its operations. The following insurance policies are required:

1. Workers’ Compensation Insurance in accordance with provisions of the California Labor Code, adequate to protect the Charter School from claims under Workers' Compensation Acts, which may arise from its operations.

2. General Liability, Comprehensive Bodily Injury and Property Damage Liability for combined single limit coverage of not less than $1,000,000 for each occurrence based upon the recommendation of the insurance provider for schools of similar size, location, and type of program. The policy shall be endorsed to name the District its Board of Education as additional insurers.

3. Fidelity Bond coverage shall be maintained by the Charter School to cover all Charter School employees who handle, process, or otherwise have responsibility for Charter School funds, supplies, equipment or other assets. Minimum amount of coverage shall be $50,000 per occurrence, with no self-insured retention.

4. Directors and Officers Coverage shall be maintained by the Charter School to cover its Board of Directors.

**Insurance Certificates**

The Charter School shall keep on file certificates signed by an authorized representative of the insurance carrier. Certificates shall be endorsed as follows: The insurance afforded by this policy shall not be suspended, cancelled, reduced in coverage or limits or non-renewed except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the district. Facsimile or reproduced signatures are not acceptable. The District reserves the right to require complete certified copies of the required insurance policies.

**Administrative Services**
**Governing Law:** The manner in which administrative services of the School are to be provided. *Education Code Section 47605(g).*

Long Valley Charter School will do its own accounting and be its own fiscal agent and may contract for management, educational and other services. Any services provided by the District to the Charter School shall be contracted on a fee for services basis, to be addressed in a memorandum of understanding.

A fiscal reconciliation plus or minus will come within 90 days of the close of the District’s fiscal year. The Charter School will bear the cost of an audit at the close of each school year.

**Facilities**

*Governing Law:* The facilities to be utilized by the school. The description of facilities to be used by the charter school shall specify where the school intends to locate. *Education Code Section 47605(G): 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. Education Code Section 47605(a)(1)*

**School Location**

The Long Valley Charter School was granted the use of the property, facility, educational materials and equipment, and furnishings known as Long Valley School that is located on parcel AP#141-060-35-11 at 436-965 Susan Drive, Doyle, California 96109. Long Valley Charter School is the sole occupant of the facility and grounds unless a mutually agreeable arrangement is made with Fort Sage Unified School District. All property currently on the premises or encumbered by Long Valley School purchasing procedures purchased with District funds remains the property of the District and remains on the Long Valley Charter School site. All property currently on the premises or encumbered by Long Valley School purchasing procedures purchased with site funds remains the property of the School and remains on the Long Valley Charter School site.

**Impact on Charter Authorizer**

*Governing Law:* Potential civil liability effects, if any, upon the school and upon the District. *(Education Code Section 47605(g).)*

The Charter School shall be operated as a California non-profit public benefit corporation. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code Section 23701d.

Pursuant to Education Code Section 47604(e), an entity that grants a charter to a charter school operated by or as a non-profit public benefit corporation shall not be liable for the debts or obligations of the Charter School or for claims arising from the performance of acts, errors or omissions by the Charter School if the authority has complied with all oversight responsibilities
required by law. The Charter School shall work diligently to assist the District in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other District requested protocol to ensure the District shall not be liable for the operation of the Charter School.

Further, the Charter School and the District have entered into a memorandum of understanding which provides for indemnification of the District by the Charter School. Insurance amounts are described above and will be updated as needed by recommendation of the insurance company for schools of similar size, location, and type of program. The District shall be named an additional insured on the general liability insurance of the Charter School.

The corporate bylaws of the Charter School provide for indemnification of its Board of Directors, officers, agents, and employees, and the Charter School will purchase general liability insurance, Directors and Officers insurance, and fidelity bonding to secure against financial risks.
XVIII. Miscellaneous Provisions

**Term.** The term of this charter shall begin July 1, 2010 and expire five years thereafter, or on June 30, 2015, with option for renewal.

**Renewal of Charter.** The grantor may renew this Charter for the term of five years. The Charter School shall re-petition the District for charter renewal prior to expiration.

**Material Revisions.** Any material revisions to this charter shall be made by the mutual agreement of the Governing Boards of the Charter School and the District. Material revisions shall be made pursuant to the standards, criteria, and timelines in Education Code Sections 47605 and 47607.

**Severability.** The terms of this charter contract are severable. If any term or provision of this charter is deemed invalid or unenforceable, the remainder of this charter shall remain in effect, unless mutually agreed otherwise by the Fort Sage Unified School District and the Governing Board of the Charter School. The district and the school agree to meet to discuss and resolve any issues or differences relating to invalidated provisions in a timely, good faith fashion.

**Communications.** All official communications between Long Valley Charter School and Fort Sage Unified School District will be sent via First Class Mail or other appropriate means to the following addresses:

- Long Valley Charter School
  - P.O. Box 7
  - Doyle, CA 96109
- Fort Sage Unified School District
  - P.O. Box 35
  - Herlong, CA 96113

**Business Agreement.** The Long Valley Charter School and Fort Sage Unified School District will engage and develop a mutually agreeable Memorandum of Understanding outlining the following provisions. The Fort Sage Unified School District will receive 3% of all general-purpose entitlement and categorical block grant funds for all Long Valley Charter School site based students residing within the District’s boundaries. The District will receive 1% of all general-purpose entitlement and categorical block grant funds for all Long Valley Charter School Independent Study students and site based students who reside outside of the district’s boundaries. The Charter School will receive the remaining general-purpose entitlement and charter block grant funds, 100% of applicable Lottery, Instructional Materials Funds, and other operational funding, as well as an equitable percentage of all applicable categorical funds outside the Charter School Block Grant, in addition to the State and Federal grants, special education and one time funding. Funds coming to the District and not to a specific group (i.e., transportation, etc.) will be apportioned to Long Valley Charter School as they are to other schools in the District.
CERTIFICATION OF COMPLIANCE WITH APPLICABLE LAW

California Code of Regulations, Title 5, Section 11967(b)(3)

A charter petition that has been previously denied by the governing board of a school district may be submitted to the county board of education or the State Board of Education. See Education Code Section 47605(j)(1). As per Education Code Section 47605(j)(5), the State Board of Education has adopted regulations implementing the provisions of Section 47605(j)(1). See Title 5, California Code of Regulations Section 11967 (5 CCR Section 11967).

5 CCR Section 11967 requires that a charter school petition that has been previously denied by a school district must be received by the County Board of Education not later than 180 calendar days after the denial. 5 CCR Section 11967(a). In addition, subdivision (b)(3) of Section 11967 requires the charter petitioner to provide a “signed certification stating that petitioner(s) will comply with all applicable law” when submitting the denied petition to the County Board of Education.

The following certification is submitted in compliance with 5 CCR Section 11967(b)(3).

Certification

By signing below, I certify as follows:

1. That I am the authorized representative, and that I am competent and qualified to certify to the facts herein;
2. That, as authorized representative, I have personal knowledge of the facts forming the basis of this certification;
3. That I make this certification for purposes of 5 CCR Section 11967(b)(3) only; and
4. That the charter petitioner(s) and the charter petition are in compliance with applicable law.

Name: Michael Yancey, Education Director

Signature: [Signature]

Date: March 30, 2010

School Name: Long Valley Charter School
March 30, 2010

Charter Schools Division
California Department of Education
1430 N Street
Sacramento, CA 95814

RE: Description of Changes to the Petition Necessary to Reflect the State Board of Education as the Chartering Entity

To Whom It May Concern:

This office serves as legal counsel for Long Valley Charter School (the “Charter School”) in its charter renewal petition. The Charter School renewal petition was submitted to the Fort Sage Unified School District (the “District”) on November 9, 2009. The District voted to deny the petition on January 20, 2010. The Charter School appealed the District’s decision to the Lassen County Board of Education (the “County”) on February 1, 2010 and the County denied the appeal on March 29, 2010.

The Charter School respectfully submits its charter petition to the State Board of Education (“SBE”). We have listed below the relevant and appropriate changes to the charter petition which are necessary to reflect approval by the SBE:

1. Chartering Authority

Any text referring to the Fort Sage Unified School District, FSUSD, or the District as the chartering authority would be revised to read “State Board of Education” or “SBE.”

2. Special Education Plan

Instead of acting as a public school of the District for purposes of special education, the Charter School will be its own local educational agency (“LEA”) and will apply directly for membership in the Lassen County Special Education Local Plan Area (“SELPA”). Should the Charter School be denied membership in the Lassen County SELPA, it will apply for membership in the El Dorado County Charter SELPA.
3. Technical Amendments

_The Charter School will comply with any and all technical amendments to its charter as required by the SBE and the California Department of Education._

* * *

We will make every effort to submit any supplemental documentation that the SBE may request in a timely manner.

Sincerely,

LAW OFFICES OF
MIDDLETON, YOUNG & MINNEY, LLP

[Signature]

JANELLE A. RULEY
ATTORNEY AT LAW
<table>
<thead>
<tr>
<th>School Name</th>
<th>Long Valley Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>18767296010763</td>
</tr>
<tr>
<td>Student Enrollment</td>
<td>312</td>
</tr>
<tr>
<td>% Black or African American</td>
<td>1.6</td>
</tr>
<tr>
<td>% American Indian or Alaska Native</td>
<td>4.5</td>
</tr>
<tr>
<td>% Asian</td>
<td>2.2</td>
</tr>
<tr>
<td>% Filipino</td>
<td>0.3</td>
</tr>
<tr>
<td>% Hispanic or Latino</td>
<td>9.3</td>
</tr>
<tr>
<td>% Native Hawaiian or Pacific Islander</td>
<td>0</td>
</tr>
<tr>
<td>% White</td>
<td>81.1</td>
</tr>
<tr>
<td>% Two or More Races</td>
<td>0</td>
</tr>
<tr>
<td>% Socioeconomically Disadvantaged</td>
<td>41.3</td>
</tr>
<tr>
<td>% English Learners</td>
<td>0</td>
</tr>
<tr>
<td>% Students with Disabilities</td>
<td>1.9</td>
</tr>
</tbody>
</table>

Data source used "DMDSQL1.EDdemo2.vwSSIDenroll"
<table>
<thead>
<tr>
<th>School Name</th>
<th>Long Valley Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>18767296010763</td>
</tr>
<tr>
<td>Enrollment</td>
<td>312</td>
</tr>
<tr>
<td>Truancy Number (Rate)</td>
<td>3(1)</td>
</tr>
<tr>
<td>Suspension Number (Rate)</td>
<td>4(1.3)</td>
</tr>
<tr>
<td>Expulsion Number (Rate)</td>
<td>0(0)</td>
</tr>
</tbody>
</table>

Data source was a provided spreadsheet "umirs1011.xls"
### Table 3. Academic Performance Index (API) Growth

<table>
<thead>
<tr>
<th>School Name</th>
<th>Long Valley Charter</th>
<th>Long Valley Charter (While Authorized by Fort Sage Unified School District)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>18767296010763</td>
<td>18750366010763</td>
</tr>
<tr>
<td>API Growth for 2010-11</td>
<td>-9</td>
<td>-</td>
</tr>
<tr>
<td>API Growth for 2009-10*</td>
<td>-</td>
<td>11</td>
</tr>
<tr>
<td>API Growth for 2008-09*</td>
<td>-</td>
<td>34</td>
</tr>
<tr>
<td>API Growth for 2007-08*</td>
<td>-</td>
<td>-54</td>
</tr>
</tbody>
</table>

Data source used "API08gdb.dbf, API09gdb.dbf, API10gdb.dbf, API11gdb.dbf"

*Long Valley Charter was authorized by the Fort Sage Unified School District during this time*
### Table 4: 2011 Growth Academic Performance Index (API) Data

<table>
<thead>
<tr>
<th>School Name</th>
<th>Long Valley Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>18767296010763</td>
</tr>
<tr>
<td>Valid Scores Schoolwide</td>
<td>122</td>
</tr>
<tr>
<td>Schoolwide</td>
<td>741(-9)</td>
</tr>
<tr>
<td>Black or African American</td>
<td>-</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>-</td>
</tr>
<tr>
<td>Asian</td>
<td>-</td>
</tr>
<tr>
<td>Filipino</td>
<td>-</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>-</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>-</td>
</tr>
<tr>
<td>White</td>
<td>758(-20)</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>-</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>835(-)</td>
</tr>
<tr>
<td>English Learners</td>
<td>-</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>-</td>
</tr>
<tr>
<td>Statewide/Similar Schools Rank</td>
<td>-</td>
</tr>
</tbody>
</table>

Data source used, "API11gdb.dbf, API10bdb.dbf"

- The Growth API is not displayed when there are less than 11 valid scores
- (-) The student group is not numerically significant, therefore no growth determination was made
### Table 5: 2011 Adequate Yearly Progress (AYP) Data

<table>
<thead>
<tr>
<th>School Name</th>
<th>Long Valley Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>18767296010763</td>
</tr>
<tr>
<td>Met AYP Criteria</td>
<td>No</td>
</tr>
<tr>
<td># Criteria Met/# Criteria Applicable</td>
<td>9/11</td>
</tr>
<tr>
<td>2011-12 Program Improvement (PI) Status</td>
<td>Not in PI</td>
</tr>
<tr>
<td>2011-12 Program Improvement (PI) Year</td>
<td>NA</td>
</tr>
</tbody>
</table>

Data source used, "APR11adb.dbf, schlpi11.dbf"
Table 6: 2011 Adequate Yearly Progress (AYP) Data: Percent Proficient in English-Language Arts (ELA)

ELA % Proficiency Target: 67.6

<table>
<thead>
<tr>
<th>School Name</th>
<th>Long Valley Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>18767296010763</td>
</tr>
<tr>
<td>Number of Valid Scores Schoolwide</td>
<td>106</td>
</tr>
<tr>
<td>Schoolwide (Met Target)</td>
<td>57.5 (No)</td>
</tr>
<tr>
<td>Black or African American (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>American Indian or Alaska Native (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Asian (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Filipino (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Hispanic or Latino (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>White (Met Target)</td>
<td>55.4 (No)</td>
</tr>
<tr>
<td>Two or More Races (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged (Met Target)</td>
<td>59.2 (--)</td>
</tr>
<tr>
<td>English Learners (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Students with Disabilities (Met Target)</td>
<td>-</td>
</tr>
</tbody>
</table>

Data source used, "APR11adb.dbf, schlpi11.dbf"

-- Percent proficient is not displayed when there are less than 11 valid scores
(--) The student group is not numerically significant, therefore no AYP determination was made
## Table 7: 2011 Adequate Yearly Progress (AYP) Data: Percent Proficient in Mathematics

**Math % Proficiency Target: 68.5**

<table>
<thead>
<tr>
<th>School Name</th>
<th>Long Valley Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>18767296010763</td>
</tr>
<tr>
<td>Number of Valid Scores Schoolwide</td>
<td>105</td>
</tr>
<tr>
<td>Schoolwide (Met Target)</td>
<td>58.1(Yes)</td>
</tr>
<tr>
<td>Black or African American (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>American Indian or Alaska Native (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Asian (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Filipino (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Hispanic or Latino (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>White (Met Target)</td>
<td>57.1(Yes)</td>
</tr>
<tr>
<td>Two or More Races (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged (Met Target)</td>
<td>59.2(--)</td>
</tr>
<tr>
<td>English Learners (Met Target)</td>
<td>-</td>
</tr>
<tr>
<td>Students with Disabilities (Met Target)</td>
<td>-</td>
</tr>
</tbody>
</table>

Data source used, "APR11adb.dbf, schlpi11.dbf"

-- Percent proficient is not displayed when there are less than 11 valid scores

(--) The student group is not numerically significant, therefore no AYP determination was made
Table 8: High School Academic Data
Grade Ten CAHSEE Passage Rates

<table>
<thead>
<tr>
<th>School Name</th>
<th>SBE -Long Valley Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>18767296010763</td>
</tr>
<tr>
<td>ELA/Math Number Tested</td>
<td>1/1</td>
</tr>
<tr>
<td>School wide ELA/Math</td>
<td>71.0/67.0</td>
</tr>
<tr>
<td>Black or African American ELA/Math</td>
<td>-</td>
</tr>
<tr>
<td>American Indian or Alaska Native ELA/Math</td>
<td>-</td>
</tr>
<tr>
<td>Asian ELA/Math</td>
<td>-</td>
</tr>
<tr>
<td>Filipino ELA/Math</td>
<td>-</td>
</tr>
<tr>
<td>Hispanic or Latino ELA/Math</td>
<td>0/0</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander ELA/Math</td>
<td>-</td>
</tr>
<tr>
<td>White ELA/Math</td>
<td>78.0/69.0</td>
</tr>
<tr>
<td>Two or More Races ELA/Math</td>
<td>0/0</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged ELA/Math</td>
<td>57.0/43.0</td>
</tr>
<tr>
<td>English Learners ELA/Math</td>
<td>-</td>
</tr>
<tr>
<td>Students with Disabilities ELA/Math</td>
<td>0/0</td>
</tr>
<tr>
<td>Cohort Graduation Rate</td>
<td>60</td>
</tr>
<tr>
<td>Cohort Dropout Rate</td>
<td>28</td>
</tr>
</tbody>
</table>

Data source used, "CAHSEE2011.txt, EdData.txt"
English Language Arts (ELA)
SUBJECT

Recommendations Regarding Revocation of Charter Schools Identified Pursuant to California Education Code Section 47604.5 and California Code of Regulations, Title 5, Section 11968.5.

SUMMARY OF THE ISSUE

California Code of Regulations, Title 5 (5 CCR), Section 11968.5 (see Attachment 3), enacted in 2011 is operable for the first time this year and requires the California Department of Education (CDE) to review charter schools that are identified pursuant to the regulations. These regulations also require the State Superintendent of Public Schools (SSPI) to make a recommendation to the State Board of Education (SBE) regarding possible revocation of these schools. The regulations require the SBE to hold a public hearing and consider the SSPI's recommendation no later than March 31.

RECOMMENDATION

California Department of Education Recommendation

The CDE recommends that the SBE approve the recommended actions as provided in Attachment 1.

Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools (ACCS) met on February 8, 2012, and voted to recommend approval of the CDE's staff recommendation identified in Attachment 1. The motion passed unanimously.

BRIEF HISTORY OF KEY ISSUES

California Education Code (EC) Section 47604.5 authorizes the SBE, whether or not it is the authorizer, upon recommendation of the SSPI, to take appropriate action, including the revocation of a charter school. Section 11968.5 of the California Code of Regulations Title 5 requires the CDE to identify charter schools that have a substantial
BRIEF HISTORY OF KEY ISSUES (Cont.)

and sustained departure from measurably successful practices such that continued departure would jeopardize the educational development of the school’s pupils and to make a recommendation about appropriate action, consistent with EC Section 47604.5(c). (Relevant law and 5 CCR Section 11968.5 are provided in Attachment 3.)

Pursuant to these regulations, 16 charter schools were identified based on academic data from the 2009–10 school year. Academic data is provided in Attachment 2.

On November 1, 2011, the CDE notified the Executive Director of the SBE and each of the schools and their authorizers in writing that they had been identified pursuant to 5 CCR Section 11968.5.¹

Pursuant to the regulations, the SSPI delivered a recommendation regarding the schools identified to the Executive Director of the SBE on January 17, 2012. Also pursuant to the regulations, the SBE must hold a public hearing to consider the recommendations no later than March 31. The recommendations of the SSPI are summarized as follows:

1. According to their authorizers, Stanford New School and Oakland Aviation High have either closed or will be closed by the end of the 2011–12 school year. Therefore, the CDE recommends that no action be taken regarding these schools.

2. Los Angeles Academy of Arts and Enterprise has been issued a Notice of Violation by its authorizer, Los Angeles Unified School District (LAUSD). As of January 4, 2012, LAUSD reports that it is in the process of evaluating the school’s response to the Notice, which cited alleged violations regarding teacher credentialing. The CDE recommends that the CDE monitor the status of the local revocation process. If LAUSD does not revoke the school, the CDE recommends that it request information from LAUSD regarding any corrective actions that the school and/or the district have taken to address pupil academic achievement. If further action is deemed necessary, the CDE will recommend that the SBE consider taking action including, but not limited to, revocation of the charter school pursuant to EC Section 47604.5.

3. In response to the November 1 letter, the CDE has received information from some of the remaining 13 charter schools and/or their authorizers. The CDE will request additional information as needed from the authorizers and will continue to work with authorizers to continue to review each school’s progress. If further action is deemed necessary, the CDE will recommend at a future meeting of the SBE that it consider taking action including, but not limited to, revocation of a charter school pursuant to EC Section 47604.5.

¹ The Oakland Aviation Academy closed at the end of the 2010 school year; therefore it was not notified.
BRIEF HISTORY OF KEY ISSUES (Cont.)

The schools identified by the current regulations are locally authorized charter schools; therefore, the local educational agencies that authorized these charter schools are in the best position to evaluate the academic progress made by each school and should be provided the opportunity to recommend appropriate courses of action.

The CDE recognizes that each of these schools proposes to meet a need in its community and that many of these schools serve pupil populations at risk of not graduating from high school. To evaluate the extent to which each of these schools meets the needs of its intended population, the CDE will continue to work with the authorizer of each school identified so that additional information, as needed, is collected regarding action plans and progress made in achieving the goals identified in such plans. In addition, when Accountability Progress Reporting (APR) data is released for 2012, the CDE will compare each school’s results with the 2011 data to determine if further recommendation or action may be necessary.

While 5 CCR Section 11968.5 provides a timeline for annual review of charter schools that concludes in March, the SSPI can bring forward a recommendation for revocation at any point in time if deemed appropriate. As the CDE continues to work with the charter schools and the authorizers identified by 5 CCR Section 11968.5, the SSPI reserves the authority to recommend that the SBE revoke a charter school, pursuant to EC Section 47604.5.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE approved the rulemaking package to adopt 5 CCR Section 11968.5 at its November 2010 meeting.

The SBE approved proposed changes at its September 2010 meeting and directed that the package be circulated for a second 15-day public comment period in accordance with the Administrative Procedure Act. The second 15-day public comment period began on October 2, 2010, and closed on October 18, 2010.

At its July 2010 meeting, the SBE approved the commencement of a 15-day public comment period, which began on July 19, 2010, and closed on August 3, 2010.

The SBE took action in December 2009 to begin the rulemaking process for the adoption of regulations pursuant to EC Section 47604.5(c) that would allow for the revocation of academically low-performing charter schools. The 45-day public comment period for this regulations package began on March 20, 2010, and closed on May 14, 2010.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION (Cont.)

At its March 2008 meeting, the SBE directed the CDE to develop that address revocation pursuant to EC Section 47604.5.

FISCAL ANALYSIS (AS APPROPRIATE)

A Fiscal Impact Statement provided to the SBE when these regulations were developed states that the proposed amendments to the regulations in proposed Section 11968.5 would add additional costs upon the state, as the activities identified are new to the CDE. The additional workload would be based upon the number of schools identified pursuant to the regulations. It is estimated that it would cost one to two full-time consultants, or approximately $150,000 to $300,000, for every five schools identified.

If the SBE directs the CDE to conduct further analysis with the schools identified, or if the SBE directs the CDE to initiate revocation proceedings against any of the schools, it is unclear how that work would be completed, given that positions have not been funded.

ATTACHMENTS

Attachment 1: State Superintendent of Public Instruction Recommendations Pursuant to California Code of Regulations, Title 5, Section 11968.5 (2 Pages)

Attachment 2: 2009-10 Academic Performance Index Data (2 Pages)

Attachment 3: Relevant Law and Regulation (3 Pages)
<table>
<thead>
<tr>
<th>Charter #</th>
<th>Current Term Ends</th>
<th>Charter School</th>
<th>Authorizer</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0760</td>
<td>1/13/16</td>
<td>Alder Grove Charter</td>
<td>South Bay Union Elementary</td>
<td>The California Department of Education (CDE) will continue reviewing the school’s progress and will work with the authorizer and make further recommendation as appropriate.</td>
</tr>
<tr>
<td>0398</td>
<td>6/30/16</td>
<td>Bay Area School of Enterprise</td>
<td>Alameda City Unified</td>
<td>The CDE will continue reviewing the school’s progress and will work with the authorizer and make further recommendation as appropriate.</td>
</tr>
<tr>
<td>0809</td>
<td>6/30/16</td>
<td>Century Academy for Excellence</td>
<td>Lennox</td>
<td>The CDE will continue reviewing the school’s progress and will work with the authorizer and make further recommendation as appropriate.</td>
</tr>
<tr>
<td>0061</td>
<td>6/30/13</td>
<td>Choice 2000 On-Line</td>
<td>Perris Union High</td>
<td>The CDE will continue reviewing the school’s progress and will work with the authorizer and make further recommendation as appropriate.</td>
</tr>
<tr>
<td>0357</td>
<td>12/14/15</td>
<td>Denair Charter Academy</td>
<td>Denair Unified</td>
<td>The CDE will continue reviewing the school’s progress and will work with the authorizer and make further recommendation as appropriate.</td>
</tr>
<tr>
<td>0032</td>
<td>6/30/14</td>
<td>Eel River Charter</td>
<td>Round Valley Unified</td>
<td>The CDE will continue reviewing the school’s progress and will work with the authorizer and make further recommendation as appropriate.</td>
</tr>
<tr>
<td>0071</td>
<td>6/30/15</td>
<td>Kern Workforce 2000 Academy</td>
<td>Kern Union High</td>
<td>The CDE will continue reviewing the school’s progress and will work with the authorizer and make further recommendation as appropriate.</td>
</tr>
<tr>
<td>0656</td>
<td>6/30/12</td>
<td>King City Arts Charter</td>
<td>King City Union</td>
<td>The CDE will continue reviewing the school’s progress and will work with the authorizer and make further recommendation as appropriate.</td>
</tr>
<tr>
<td>0420</td>
<td>6/30/16</td>
<td>King-Chavez Academy of Excellence</td>
<td>San Diego Unified</td>
<td>The CDE will continue reviewing the school’s progress and will work with the authorizer and make further recommendation as appropriate.</td>
</tr>
<tr>
<td>0675</td>
<td>6/30/15</td>
<td>Los Angeles Academy of Arts &amp; Enterprise Charter</td>
<td>Los Angeles Unified</td>
<td>The CDE will monitor the status of district revocation process; further action may be taken as deemed necessary and appropriate.</td>
</tr>
<tr>
<td>0559</td>
<td>6/30/13</td>
<td>LPS College Park</td>
<td>Oakland Unified</td>
<td>The CDE will continue reviewing the school’s progress and will work with the authorizer and make further recommendation as appropriate.</td>
</tr>
</tbody>
</table>
Table 1. State Superintendent of Public Instruction Recommendations
Pursuant to California Code of Regulations, Title 5, Section 11968.5

<table>
<thead>
<tr>
<th>Charter #</th>
<th>Current Term Ends</th>
<th>Charter School</th>
<th>Authorizer</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0291</td>
<td>6/30/15</td>
<td>New City</td>
<td>Long Beach Unified</td>
<td>The CDE will continue reviewing the school’s progress and will work with the authorizer and make further recommendation as appropriate.</td>
</tr>
<tr>
<td>0764</td>
<td>CLOSED</td>
<td>Oakland Aviation High</td>
<td>Oakland Unified</td>
<td>No action at this time</td>
</tr>
<tr>
<td>0709</td>
<td>WILL CLOSE 06/12</td>
<td>Stanford New School</td>
<td>Ravenswood City Elementary</td>
<td>No action at this time</td>
</tr>
<tr>
<td>0289</td>
<td>6/30/15</td>
<td>Yuba City Charter</td>
<td>Yuba City Unified</td>
<td>The CDE will continue reviewing the school’s progress and will work with the authorizer and make further recommendation as appropriate.</td>
</tr>
<tr>
<td>0092</td>
<td>11/12/12</td>
<td>Yuba County Career Preparatory Charter</td>
<td>Yuba County Office of Education</td>
<td>The CDE will continue reviewing the school’s progress and will work with the authorizer and make further recommendation as appropriate.</td>
</tr>
</tbody>
</table>
Relevant Law and Regulation

California Education Code Section 47604.5
State Board of Education; revocation of charter

The State Board of Education, whether or not it is the authority that granted the charter, may, based upon the recommendation of the Superintendent of Public Instruction, take appropriate action, including, but not limited to, revocation of the school's charter, when the State Board of Education finds any of the following:

(a) Gross financial mismanagement that jeopardizes the financial stability of the charter school.

(b) Illegal or substantially improper use of charter school funds for the personal benefit of any officer, director, or fiduciary of the charter school.

(c) Substantial and sustained departure from measurably successful practices such that continued departure would jeopardize the educational development of the school's pupils.

(Added by Stats.1998, c. 34 (A.B.544), § 5.)

California Code of Regulations, Title 5, Section 11968.5
Revocation of, or Other Action Related to, a Charter by the State Board of Education upon Recommendation by the State Superintendent of Public Instruction (SSPI) Pursuant to California Education Code Section 47604.5(c).

(a) The California Department of Education (CDE) on or before November 1 of each year shall identify and notify the State Board of Education (SBE) of each charter school that meets the conditions specified in subdivision (e) and any other charter school that the SSPI determines warrants action pursuant to Education Code section 47604.5(c).

(b) On or before November 1 of each year, the CDE shall notify the charter schools identified pursuant to subdivision (e) of these regulations and each school's authorizer in writing that:

(1) the SSPI may recommend, among other actions, revocation of the school's charter; and

(2) the SBE will consider the SSPI's recommendation and take appropriate action, including, but not limited to, revocation of the school's charter.
(c) The notice provided pursuant to subdivision (b) of these regulations shall provide that the charter school and the authorizer shall be given an opportunity to provide information in writing to the SSPI and the SBE as to why the school's charter should not be revoked. Such information may include, but is not limited to, action by the school or the local authorizer to address the departures such as the initiation of a plan of corrective action or other local authorizer board action.

(d) Any action to revoke a charter school shall be effective at the end of the fiscal year in which the action is taken, to allow sufficient time for transition in accordance with school closure regulations in section 11962 of these regulations, unless the SBE identifies cause for immediate revocation and closure and makes a public finding that the departures at the school are so significant as to require the immediate revocation and closure of the charter school. At the beginning of the revocation review, the CDE shall require any school being reviewed to immediately provide, at their own expense, written notification to every parent, guardian, or caregiver that fully describes the revocation process, all options including specific schools available to students to transfer if it is needed or desired, and any administrative assistance required for a timely transfer.

(e) Substantial and sustained departure from measurably successful practices that jeopardize the educational development of a school's pupils within the meaning of subdivision (c) of Education Code section 47604.5 occurs when a charter school:

1. is in operation five years or more, and
2. the charter school has not qualified for the Alternative School Accountability Model pursuant to subdivision (h) of Education Code section 52052, and
3. The charter school has met each of the following:
   A. a statewide rank of 1 on API base data for the last two years, and
   B. did not achieve a cumulative API growth of at least 50 points over the last three API cycles (i.e., an API cycle represents the difference between a current year growth API and the prior year's base API).
4. These criteria do not limit the discretion of the SSPI and SBE to recommend or take action relating to a charter school that does not meet these criteria, but which otherwise demonstrates a substantial and sustained departure from measurably successful practices that jeopardize the educational development of a school's pupils within the meaning of subdivision (c) of Education Code section 47604.5.

(f) Nothing in this section shall be interpreted to relieve the chartering authority of its duties as a charter authorizer.
(g) After the CDE determines the conditions in subdivision (e) exist for any charter school, and makes notifications in accordance with subdivisions (b) and (c), the following shall occur:

(1) If the charter school or the authorizer choose to submit any supporting materials, the materials shall be received by the CDE by 5:00 p.m. on December 1.

(2) The SSPI shall deliver his/her recommendation to the executive director of the SBE no later than January 15.

(3) No later than February 1, the CDE shall send notification to the charter school and its authorizer of the SSPI's recommendation and the date of the SBE meeting when the recommendation is scheduled to be heard.

(4) The SBE shall hold a public hearing and consider action in accordance with Education Code section 47604.5 no later than March 31.

(h) The authority of the SBE pursuant to Education Code section 47604.5 is not limited to revocation. Based on additional information provided by the charter school, the school's authorizer, or teachers and parents of pupils at the school, which may include data on more recent academic gains, similar schools rankings and other analysis of similar student populations, and school safety, the SBE may offer the charter school an opportunity to take specific corrective actions in lieu of revocation for the remaining term of the charter. The specific corrective actions shall address the sustained low academic achievement and may include, but is not limited to, a plan to address any subgroups failing to make academic progress. Corrective actions may include, but are not limited to, restructuring of the school's staffing or governance to ensure that the school and all numerically significant subgroups have substantial promise of increasing academic performance in subsequent years.

Note: Authority cited: Section 33031, Education Code. Reference: Sections 47604.5 and 47607, Education Code.
### 2009-10 Academic Performance Index Data

#### Table 1: Academic Performance Index (API) Growth

<table>
<thead>
<tr>
<th>School Name</th>
<th>Alder Grove Charter</th>
<th>Bay Area School of Enterprise</th>
<th>Century Academy for Excellence</th>
<th>Choice 2000 On-Line</th>
<th>Denair Charter Academy</th>
<th>Eel River Charter</th>
<th>Kern Workforce 2000 Academy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CDS Code</strong></td>
<td>12630320111203</td>
<td>01611190130625</td>
<td>19647090112250</td>
<td>33672073330693</td>
<td>50710685030267</td>
<td>23656072330272</td>
<td>15635291530435</td>
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<tr>
<td>API Growth for 2010-11</td>
<td>26</td>
<td>21</td>
<td>32</td>
<td>6</td>
<td>3</td>
<td>-32</td>
<td>67</td>
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<td>API Growth for 2009-10</td>
<td>27</td>
<td>77</td>
<td>3</td>
<td>59</td>
<td>-36</td>
<td>11</td>
<td>54</td>
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<tr>
<td>API Growth for 2008-09</td>
<td>-23</td>
<td>-67</td>
<td>-33</td>
<td>-51</td>
<td>77</td>
<td>-137</td>
<td>-132</td>
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<table>
<thead>
<tr>
<th>School Name</th>
<th>King City Arts Charter</th>
<th>King/Chavez Academy of Excellence</th>
<th>Leadership Public Schools College Park</th>
<th>Los Angeles Academy of Arts &amp; Enterprise</th>
<th>New City</th>
<th>Yuba City Charter</th>
<th>Yuba County Career Preparatory Charter</th>
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</thead>
<tbody>
<tr>
<td><strong>CDS Code</strong></td>
<td>27660500107292</td>
<td>37683386119598</td>
<td>01612590101469</td>
<td>19647330110304</td>
<td>19647256118269</td>
<td>51714645130125</td>
<td>58105875830112</td>
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<tr>
<td>API Growth for 2010-11</td>
<td>67</td>
<td>-5</td>
<td>-12</td>
<td>-8</td>
<td>-24</td>
<td>C</td>
<td>-21</td>
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<tr>
<td>API Growth for 2009-10</td>
<td>-27</td>
<td>27</td>
<td>63</td>
<td>-13</td>
<td>-26</td>
<td>42</td>
<td>73</td>
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<tr>
<td>API Growth for 2008-09</td>
<td>-18</td>
<td>-5</td>
<td>-42</td>
<td>-8</td>
<td>16</td>
<td>-59</td>
<td>-44</td>
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Data source used "API08gdb.dbf, API09gdb.dbf, API10gdb.dbf, API11gdb.dbf"
### 2009-10 Academic Performance Index Data

#### Table 2: 2011 Growth Academic Performance Index (API) Data

<table>
<thead>
<tr>
<th>School Name</th>
<th>Alder Grove Charter</th>
<th>Bay Area School of Enterprise</th>
<th>Century Academy for Excellence</th>
<th>Choice 2000 Online</th>
<th>Denair Charter Academy</th>
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</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>12630320111203</td>
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<td>33672073330693</td>
<td>50710685030267</td>
<td>23656072330272</td>
<td>15635291530435</td>
</tr>
<tr>
<td>Valid Scores Schoolwide</td>
<td>153</td>
<td>56</td>
<td>267</td>
<td>106</td>
<td>180</td>
<td>45</td>
<td>58</td>
</tr>
<tr>
<td>Schoolwide</td>
<td>720(26)</td>
<td>602(21)</td>
<td>648(32)</td>
<td>631(6)</td>
<td>541(3)</td>
<td>602(-32)</td>
<td>566(67)</td>
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<tr>
<td>Black or African American</td>
<td>-</td>
<td>591(-)</td>
<td>649(40)</td>
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<td>-</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td>-</td>
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<tr>
<td>Asian</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Filipino</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>701(-)</td>
<td>600(-)</td>
<td>641(-)</td>
<td>594(38)</td>
<td>487(-)</td>
<td>-</td>
<td>552(-)</td>
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<tr>
<td>Native Hawaiian or Pacific Islander</td>
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<td>-</td>
<td>-</td>
<td>-</td>
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<td>-</td>
</tr>
<tr>
<td>White</td>
<td>729(18)</td>
<td>-</td>
<td>-</td>
<td>679(-)</td>
<td>575(29)</td>
<td>639(-)</td>
<td>-</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>644(-)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>601(-)</td>
<td>-</td>
<td>557(-)</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>703(49)</td>
<td>568(-)</td>
<td>-</td>
<td>631(-)</td>
<td>474(-)</td>
<td>602(-)</td>
<td>554(-)</td>
</tr>
<tr>
<td>English Learners</td>
<td>-</td>
<td>588(-)</td>
<td>-</td>
<td>601(-)</td>
<td>482(-)</td>
<td>-</td>
<td>557(-)</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>563(-)</td>
<td>-</td>
<td>495(-)</td>
<td>-</td>
<td>382(-)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Statewide/Similar Schools Rank</td>
<td>1/-</td>
<td>1/-</td>
<td>1/3</td>
<td>1/3</td>
<td>1/1</td>
<td>1/-</td>
<td>1/-</td>
</tr>
</tbody>
</table>

**Table 2:** 2011 Growth Academic Performance Index (API) Data

<table>
<thead>
<tr>
<th>School Name</th>
<th>King City Arts Charter</th>
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<td>19647256118269</td>
<td>51714645130125</td>
<td>58105875830112</td>
</tr>
<tr>
<td>Valid Scores Schoolwide</td>
<td>139</td>
<td>242</td>
<td>172</td>
<td>347</td>
<td>327</td>
<td>115</td>
<td>154</td>
</tr>
<tr>
<td>Schoolwide</td>
<td>725(67)</td>
<td>707(-5)</td>
<td>605(-12)</td>
<td>620(8)</td>
<td>621(-24)</td>
<td>579(C)</td>
<td>516(-21)</td>
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<tr>
<td>Black or African American</td>
<td>-</td>
<td>-</td>
<td>565(-)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>-</td>
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<td>-</td>
</tr>
<tr>
<td>Asian</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Filipino</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>702(73)</td>
<td>711(2)</td>
<td>611(3)</td>
<td>616(-15)</td>
<td>583(-17)</td>
<td>517(-)</td>
<td>462(-)</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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</tr>
<tr>
<td>White</td>
<td>845(-)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>757(-)</td>
<td>581(C)</td>
<td>550(1)</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>563(-)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>710(79)</td>
<td>707(-5)</td>
<td>-</td>
<td>615(-12)</td>
<td>590(-4)</td>
<td>583(C)</td>
<td>501(-31)</td>
</tr>
<tr>
<td>English Learners</td>
<td>676(72)</td>
<td>689(-4)</td>
<td>603(34)</td>
<td>588(71)</td>
<td>557(-27)</td>
<td>-</td>
<td>445(-)</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>604(-)</td>
<td>524(-)</td>
<td>320(-)</td>
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<td>-</td>
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<td>356(-)</td>
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<tr>
<td>Statewide/Similar Schools Rank</td>
<td>1/1</td>
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<td>1/1</td>
<td>1/1</td>
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<td>1/2</td>
</tr>
</tbody>
</table>

Data source used, “API11gdb.dbf, API10bdb.dbf”

- The Growth API is not displayed when there are less than 11 valid scores
- (-) The student group is not numerically significant, therefore no growth determination was made
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2012 AGENDA

General Waiver

SUBJECT
Request by Escondido Union High School District for Heritage Charter to waive portions of California Code of Regulations, Title 5, Section 11960(a), to allow the charter school attendance to be calculated as if it were a regular multi-track school. (2 tracks; 175 to 177 days).

Waiver Number: 51-12-2011

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

This retroactive waiver is required because the Heritage Charter School started a new program called the Heritage Digital Academy, in 2010–11. Because adequate facilities for the new program were not available when school was scheduled to start, the charter school developed a separate calendar for the new program without obtaining approval to operate a multi-track school. The charter is back on a single calendar for 2011–12.

The California Department of Education (CDE) recommends approval of waiver 51-12-2011 for 2010–11 only for the Heritage Charter School, based on the following:

1. The charter school operated two tracks in 2010–11, each offering a minimum of 175 days.

2. For each track, the charter school offered at least the minimum annual instructional minutes as specified by Education Code (EC) Section 47612.5.

3. Neither track had fewer than 55 percent of its school days completed prior to April 15.

4. Average Daily Attendance (ADA) was calculated separately for each track by the method set forth in California code of Regulations (CCR), Title 5 (5), Section 11960.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its July 2000 meeting, the State Board of Education (SBE) approved SBE’s Policy #00-05 Charter School Average Daily Attendance: Alternative Calculation Method, available at http://www.cde.ca.gov/re/lr/wr/documents/charterschoolada.doc. Many multi-track calendar waivers for charter schools have been approved by the SBE.
SUMMARY OF KEY ISSUES

in the past eleven years. Section 11960(a) of 5 CCR defines regular Average Daily Attendance (ADA) in a charter school and establishes the calculation for determining ADA. The calculation divides the total number of pupil-days attended by the total number of days school was actually taught. This section also requires a proportional reduction in a charter school's funding for each day less than 175 days if the school operates fewer than 175 days in any fiscal year.

As referenced in the SBE Policy #00-05:

"Attendance" means the attendance of charter school pupils while engaged in educational activities required of them by their charter schools, on days when school is actually taught in their charter schools. "Regular average daily attendance" shall be computed by dividing a charter school's total number of pupil-days of attendance by the number of calendar days on which school was actually taught in the charter school. For purposes of determining a charter school's total number of pupil-days of attendance, no pupil may generate more than one day of attendance in a calendar day.

A multi-track calendar waiver is typically requested by charter schools that operate on a multi-track, year-round education calendar in order to claim the full ADA. In a multi-track calendar, the total number of days that school is taught, may exceed 200 days. However, each track of students is only provided instruction for the number of days in a given track, typically 175 or 180 days. Therefore, a waiver is necessary for a multi-track charter school to separately calculate ADA in each track, rather than for the school as a whole.

This waiver is required because the Heritage Charter School started a new program called the Heritage Digital Academy, in 2010–11. However, because adequate facilities for the new program were not ready on the first day of school, the new program began and ended later than the traditional school year. The regular program started school on August 9 and the new program did not begin until September 7. In fiscal year 2011–12, both programs are back to running on the same school calendar and no longer need a multi-track waiver.

The charter school erroneously reported attendance separately for each track, as if it already had an approved waiver. Denial of the waiver would require the charter to reduce its 2010–11 reported attendance by approximately 6 ADA. The CDE estimates the cost to the charter would be approximately $35,000.

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). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the
SUMMARY OF KEY ISSUES (Cont.)

schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Demographic Information: Heritage Charter School has a student population of 733 and is located in the city of Escondido, in San Diego County.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2010, to June 30, 2011

Local board approval date(s): December 8, 2011

Public hearing held on date(s): December 8, 2011

Bargaining unit(s) consulted on date(s): District does not have bargaining units.

Name of bargaining unit/representative(s) consulted: District does not have bargaining units.

Position of bargaining unit(s) (choose only one):
☐ Neutral ☐ Support ☐ Oppose:

Comments (if appropriate):

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☐ posting at each school ☒ other (specify)
Advertised in the North County Times Newspaper, November 25, 2011.

Advisory committee(s) consulted: Heritage Charter Governing Board

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: November 30, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.
ATTACHMENT(S)

Attachment 1: General Waiver Request (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 2: Calendar Track one 2010-2011 Heritage (1 page)

Attachment 3: Calendar Track two 2010-2011 Heritage (1 page)
**CALIFORNIA DEPARTMENT OF EDUCATION**  
**GENERAL WAIVER REQUEST**  
GW-1 (Rev. 10-2-09)  
http://www.cde.ca.gov/re/lr/wr/  

**First Time Waiver:** X  
**Renewal Waiver:** ____

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

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<tbody>
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<table>
<thead>
<tr>
<th>Local educational agency:</th>
<th>Contact name and Title:</th>
<th>Contact person's e-mail address:</th>
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<tr>
<td>Escondido Union School District – Heritage Charter</td>
<td>District: Carol Rouse, Director Fiscal Svc., Charter: Sheila Randle, Bus Mgr.</td>
<td><a href="mailto:crouse@eusd4kids.org">crouse@eusd4kids.org</a> <a href="mailto:srandle@echs.org">srandle@echs.org</a></td>
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<th>Phone (and extension, if necessary):</th>
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| District: 2310 Aldergrove Avenue, Escondido, CA 92029  
Charter: 1868 East Valley Parkway  
Escondido  
CA  
92027 | Dist: (760) 432-2129  
Charter (760) 737-3154  
Fax Number: Dist: (760)741-3152 |

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<th>Local board approval date: (Required)</th>
<th>Date of public hearing: (Required)</th>
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<tr>
<td>From: July 1, 2010 To: June 30, 2011</td>
<td>December 8, 2011</td>
<td>December 8, 2011</td>
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</table>

**LEGAL CRITERIA**

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number):  
   Circle One: **EC** or **CCR**

   **Topic of the waiver:** Multi-Track Calendar  (Retroactive for 2010-2011)  
   11960(a)

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _N/A_  and date of SBE Approval______  
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? X No ___ Yes  
   If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):**

   **Name of bargaining unit and representative(s) consulted:** N/A

   **The position(s) of the bargaining unit(s):**  __ Neutral ___ Support ___ Oppose (*Please specify why*)

   **Comments (if appropriate):**

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?  
   North County Times Newspaper, a newspaper of general circulation – add run November 25, 2011  
   X Notice in a newspaper  
   Notice posted at each school  
   Other: *(Please specify)*

5. **Advisory committee or school site councils.** Please identify the council(s) or committee that reviewed this waiver:

   **Date the committee/council reviewed the waiver request:** Heritage Charter Governing Board – November 30, 2011

   **Were there any objection(s)?**  No _X_  Yes ___  *(If there were objections please specify)*
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

   California Code of Regulations – Title 5 Section 11960 (a)

   Apply for waiver under CCR –Title 5 Section 11960(a), to allow the charter school attendance to be calculated as a regular multi track school. Note this request applies to the 2010-2011 school year only.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   This waiver is being requested because this Charter School operated a multi-track year round education calendar, with 2 tracks during the 2010-2011 school year. As a result, the number of days this school actually taught varied from 175 to 177. Both tracks offered a minimum of 175 days of instruction, and neither track had fewer than 55% of its school days prior to April 15th. Therefore, the waiver is to request to separately calculate 2010-2011 ADA in each track (rather than the school as a whole) by method set forth in CCR Title 5 Section 11960(a) and then total the resulting figures. This is the same method required for non-charter schools that operate on a multi-track year round calendar.

   The reason for operating a multi-track calendar during the 2010-2011 school year related to the availability of adequate facilities for a new program that commenced in the 2010-2011 school year. Due to facilities not being ready on the first day of school, the new program began later, and ended the school year later, than the traditional classroom program.

8. Demographic Information:
   Heritage Charter School has a student population of 733 and is located in the city of Escondido, in San Diego County.

   **Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**
   No ☒ Yes ☐
   (If yes, please attach explanation or copy of audit finding)

   **Has there been a Categorical Program Monitoring (CPM) finding on this issue?**
   No ☒ Yes ☐
   (If yes, please attach explanation or copy of CPM finding)

   **District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

   Signature of Superintendent or Designee: Jennifer Walters
   Title: Superintendent
   Date: December 8, 2011

   FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

   Staff Name (type or print): Staff Signature: Date:
   Unit Manager (type or print): Unit Manager Signature: Date:
   Division Director (type or print): Division Director Signature: Date:
   Deputy (type or print): Deputy Signature: Date:
Heritage Digital Academy
2010-2011 Digital Classroom Program Calendar

<table>
<thead>
<tr>
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<th>September 2010</th>
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<td>12 13 14 15 16 17 18</td>
<td>8 Picture Day</td>
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<td>19 20 21 22 23 24 25</td>
<td>11 Columbus Day (No School)</td>
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<td>26 27 28 29 30</td>
<td>13-15 8th Grade Catalina Trip</td>
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AAV of SBE Item W-1 Attachment 2

This page is the Accessible Alternative Version (AAV) of Item W-1 Attachment 2 from the March 7-8, 2012 State Board of Education (SBE) meeting.

Heritage Digital Academy

2010-2011 Digital Classroom Program Calendar

September 2010

- September 2, 2010 Back to School Parent Meeting
- September 6, 2010 – Labor Day (No School)
- September 7, 2010 – First Day of School
- September 8, 2010 – Picture Day

October 2010

- October 11, 2010 – Columbus Day (No School)
- October 13 , 2010– 15 8th Grade Catalina Trip

November 2010

- November 21, 2010 – Veterans Day
- November 24 to 26, 2010 – Thanksgiving Break

December 2010

- December 16, 2010 - Last Day of the Semester
- December 17 2010 – Non- student Day (Teacher In-Service)
- December 20 to 30, 2010 – Christmas Break

January 2011

- January 1-3, 2011 – Christmas Vacation
- January 4, 2011 School Opens
- January 17, 201 – Martin Luther King Day (No School)

February 2011

- February 4, 2011 – Academic Awards
- February 11, 2011 – Lincoln’s Birthday (No School)
- February 21, 2011 – President’s Day (No School)

March 2011

- March 18, 2011 – Mid Semester Break

April 2011

- April 4 – 15, 2011 - STAR Testing
- April 18 – 25, 2011 – Easter Vacation
April 26, 2011 – School Opens
April 30, 2011 – Family fun Day

May 2011

- May 6-8, 2011 – 6th Grade Astro Camp
- May 30, 2011 – Memorial Day (No School)

June 2011

- June 1, 2011 Non-Student Day (Teacher In-Service)
- June 17, 2011 – Last Day of School
- 8th Grade Promotion

Questions: State Board of Education | 916-319-0827

Last Reviewed: Monday, February 27, 2012
## Heritage K-8 Charter School
### 2010-2011 Traditional Classroom Program Calendar

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<td>19 20 21 22 23 24 25</td>
</tr>
<tr>
<td>29 30 31</td>
<td>26 27 28 29 30</td>
</tr>
</tbody>
</table>

**September 2010**
- First Day of School
- Back to School Night K-6
- School Pictures
- Labor Day (No School)
- Grading Period Ends
- Minimum Day (ECSD Teacher Training)

**October 2010**
- Columbus Day (No School)
- 8th Grade Catalina Trip
- Grading Period Ends
- Minimum Days
- Parent Teacher Conferences

**November 2010**
- Veterans' Day (No School)
- Thanksgiving Vacation (11/24-11/26/10)

**December 2010**
- Sounds of the Season Concert
- Last Day of the Semester
- Non-Student Day (Teacher In-Service)
- Christmas Vacation (12/20-1/3/11)

**January 2011**
- Christmas Vacation (12/20-1/3/11)
- Martin Luther King, Jr. Holiday (No School)
- Awards Ceremony Grades 4-8
- Minimum Day (ECSD Teacher Training)
- President's Day (No School)

**February 2011**
- Martin Luther King, Jr. Holiday (No School)
- Minimum Day (ECSD Teacher Training)

**March 2011**
- Conference Week (Schedule as Needed)
- Mid-Semester Break
- Minimum Day (ECSD Teacher Training)

**April 2011**
- STAR Testing (4/4-4/15/11)
- Easter Vacation (4/8-4/25/11)

**May 2011**
- Spring Concert
- 6th Grade Astro Camp
- Minimum Days, Finals
- Last Day of School
- 8th Grade Promotion

**June 2011**
- Summer Break

---

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<th>Holiday - No School</th>
<th>Minimum Day</th>
<th>Star Testing</th>
<th>Non-Student Day</th>
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</table>
AAV of SBE Item W-1 Attachment 3

This page is the Accessible Alternative Version (AAV) of Item W-1 Attachment 3 from the March 7-8, 2012 State Board of Education (SBE) meeting.

Heritage K-8 Charter School

2010-2011 Traditional Classroom Program Calendar

August 2010

- August 2, 2010 – Mandatory Parent Welcome Meeting
- August 9, 2010 – First Day of School
- August 12, 2010 – Award Ceremony Grades 5-8
- August 17, 2010 – Back to School Night K-6
- August 18, 2010 – Back to School Night 7-8

September 2010

- September 6, 2010 – Labor Day (No School)
- September 17, 2010 – Grading Period Ends
- September 30, 2010 – Minimum Day (ECSD Teacher Training)

October 2010

- October 11, 2010 – Columbus Day (No School)
- October 11-13, 2010 – 15 8th Grade Catalina Trip
- October 22, 2010 – Grading Period Ends
- October 27-29 – Minimum Days Parent Teacher Conferences

November 2010

- November 11, 2010 – Veterans Day
- November 24 to 26, 2010 – Thanksgiving Break

December 2010

- December 9, 2010 – “Sounds of the Season Concert”
- December 16, 2010 – Last Day of the Semester
- December 17, 2010 – Non-student Day (Teacher In-Service)
- December 20 to 30, 2010 – Christmas Break

January 2011

- January 1-3, 2011 – Christmas Vacation
- January 4, 2011 School Opens
- January 17, 2011 – Martin Luther King Day (No School)
- January 20, 2011 – Award Ceremony Grades 4-8
- January 27, 2011 Minimum Day (ECSD Teacher Training)

February 2011
February 11, 2011 – Lincoln’s Birthday (No School)
February 18, 2011 – Grading Period Ends
February 21, 2011 – President’s Day (No School)

March 2011

March 14-17, 2011 – Conference Week (Schedule as Needed)
March 18, 2011 – Mid Semester Break
March 24, 2011 – Minimum Day (ESCD Teacher Training)

April 2011

April 4 – 15, 2011 - STAR Testing
April 18 – 25, 2011 – Easter Vacation
April 8, 2011 - Grading Period Ends
April 26, 2011 – School Opens
April 30, 2011 – Family fun Day

May 2011

May 5, 2011 – Spring Concert
May 6-8, 2011 – 6th Grade Astro Camp
May 17-20 – Minimum Days, Finals
May 20, 2011 – Last Day of School
8th Grade promotion

Questions: State Board of Education | 916-319-0827

Last Reviewed: Monday, February 27, 2012
General Waiver

SUBJECT
Request by three school districts to waive portions of California Code of Regulations, Title 5, Section 11960(a), to allow attendance at their charter schools to be calculated as if they were regular multi-track schools.

Waiver Numbers: Lakeside Union 84-12-2011
Los Angeles Unified 67-12-2011
San Bernardino City Unified 26-12-2011

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval of waivers for San Bernardino City Unified School District (SD), Los Angeles Unified SD and Lakeside Union SD, with the following conditions:

1. The charter schools will operate no more than five tracks; each will offer a minimum of 170 for Los Angeles Unified or 175 days for Lakeside Union and San Bernardino City Unified and required number of minutes.

2. For each track, each charter school will offer the minimum annual instructional minutes as specified by California Education Code (EC) Section 47612.5.

3. No track will have fewer than 55 percent of its school days completed prior to April 15.

4. Average Daily Attendance (ADA) will be calculated separately for each track by the method set forth in California Code of Regulations, Title 5, (5 CCR), Section 11960, and then the resulting attendance figures will be totaled.

5. For each pupil attending more than one track over the course of the fiscal year, including intersessions, attendance must be calculated individually by pupil. In that event, the charter school is directed to work with the CDE to determine the appropriate method for configuring individual student’s ADA to ensure that each student does not generate more than one ADA.

6. For tracks that operate during the months of June, July or August, to be eligible for attendance credit a student must have been enrolled in the charter school at
RECOMMENDATION (Cont.)

least 30 days before the end of the previous school year, or must still be enrolled in the charter school at least through September 30 of the current year.

7. The waiver for Fenton Primary Charter in Los Angeles Unified SD is approved for a period of two years minus one day so as not to become permanent.

8. Because the waivers for San Bernardino City Unified SD and Lakeside Union SD would be granted on a permanent basis for two consecutive years, EC Section 33051(b) will apply, and the districts will not be required to reapply as long as the information contained in the request remains current.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its July 2000 meeting, the State Board of Education (SBE) approved SBE’s Policy #00-05 Charter School ADA: Alternative Calculation Method, available at http://www.cde.ca.gov/re/lr/wr/documents/charterschoolada.doc, which applies to this waiver request. Many multi-track calendar waivers for charter schools have been approved by the SBE in the past 11 years.

SUMMARY OF KEY ISSUES

The San Bernardino City Unified SD waiver, requested on behalf of Carden Virtual Academy, requests to operate three tracks. The charter serves a target population comprised mainly of individualized learning students who benefit from a calendar with a staggered start; the proposed calendars meet the unique academic needs of their student population.

The Fenton Primary Charter in Los Angeles Unified SD opened in July 2008 with the specific intent of moving the Fenton Avenue Charter School off a year round, multi-track calendar. However, the Fenton Primary Charter has had difficulties in locating suitable property. Thus, the charter is requesting to continue to operate on a multi-track schedule and is requesting to operate only 170 days, until such time as new facilities are ready and they can operate on a single track for the requisite 175 day school year. The charter is expecting the facilities to be ready in July of 2013, and at that point will no longer require a waiver. EC Section 46201.2 allows charter schools to reduce the number of days from 175 to 170 days through the 2014–15 fiscal year. This waiver as requested would make both the multi-track waiver and the instructional days reduction permanent. Hence, the CDE is recommending approval of the waiver but only on a temporary basis. The charter school is in agreement.

The waiver submitted by the Lakeside Union SD, on behalf of the National University Academy (NAU), is to operate two tracks. In addition to the ongoing independent study program for students in grades six through twelve, the NAU has added a new classroom-based program for students in kindergarten through grade three. These programs operate independent of each other, with separate sites and separate
SUMMARY OF KEY ISSUES (Cont.)

administrative staff, and they would like to operate on two separate tracks.

Section 11960(a) of 5 CCR defines regular ADA in a charter school and establishes the calculation for determining ADA. The calculation divides the total number of pupil-days attended by the total number of days school was actually taught. This section also requires a proportional reduction in a charter school’s funding for each day less than 175 days if the school operates fewer than 175 days in any fiscal year. (This requirement has been reduced to 170 days by EC Section 46201.2, through the 2014–15 fiscal year).

As referenced in the SBE Policy #00-05:

"Attendance" means the attendance of charter school pupils while engaged in educational activities required of them by their charter schools, on days when school is actually taught in their charter schools. "Regular average daily attendance" shall be computed by dividing a charter school’s total number of pupil-days of attendance by the number of calendar days on which school was actually taught in the charter school. For purposes of determining a charter school’s total number of pupil-days of attendance, no pupil may generate more than one day of attendance in a calendar day.

A multi-track calendar waiver is typically requested by charter schools that operate on a multi-track, year-round education calendar in order to claim the full ADA. In a multi-track calendar, the total number of days that school is taught may exceed 200 days. However, each track of students is only provided instruction for the number of days in a given track, typically 175 days. Therefore, a waiver is necessary for a multi-track charter school to separately calculate ADA in each track, rather than for the school as a whole.

On the basis of this analysis, the CDE recommends approval of these waivers with the conditions noted above.

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). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.
SUMMARY OF KEY ISSUES (Cont.)

Demographic Information: See each individual waiver.

Authority for Waiver: EC Section 33050

Period of request: See Attachment 1

Local board approval date(s): See Attachment 1

Public hearing held on date(s): See Attachment 1

Bargaining unit(s) consulted on date(s): None of the charter schools has a bargaining unit.

Name of bargaining unit/representative(s) consulted: None of the charter schools has a bargaining unit.

Position of bargaining unit(s) (choose only one):
☐ Neutral ☐ Support ☐ Oppose:

Comments (if appropriate): None of the charter schools has a bargaining unit.

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☐ posting at each school ☒ other (specify) See each individual waiver.

Advisory committee(s) consulted: See Attachment 1

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: See Attachment 1

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENTS

Attachment 1: Summary Table (1 Page)

Attachment 2: San Bernardino City Unified School District General Waiver Request (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: School Calendar 2011-2012 Carden Virtual Academy (1 page)
ATTACHMENTS (Cont.)

Attachment 4: Los Angeles Unified School District General Waiver Request (2 pages)  
(Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: School Calendar 2011-2012 Fenton Primary Charter (1 page)

Attachment 6: School Calendar 2012-2013 Fenton Primary Charter (1 page)

Attachment 7: Lakeside Union School District General Waiver Request (2 pages)  
(Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: School Calendar 2011-2012 National University Academy (1 page)

Attachment 9: School Calendar 2011-2012 National University Academy Sparrow  
(1 page)
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<td>Recommended: 7-1-2011 to 6-29-2013</td>
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<td>84-12-2011</td>
<td>7-1-2011 to 6-30-2013</td>
<td>Lakeside Union School District</td>
<td>December 8, 2011</td>
<td>NUA Board of Directors and Sparrow Program (K-3 grades) Parent Advisory Council / December 6 and 8, 2011</td>
<td>November 30, 2011</td>
<td>Posted at each school</td>
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</tbody>
</table>
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_ Renewal Waiver: ____

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

Local educational agency: San Bernardino City Unified School District for Carden Virtual Academy

Contact name and Title: James Cunningham
Director, Accounting Services
Contact person’s e-mail address: jim.cunningham@sbcusd.k12.ca.us

Address: 777 N. F. Street
City: San Bernardino
State: CA
ZIP: 92410

Phone (and extension, if necessary): (909) 381-1152
Fax Number: (909) 383-1375

Period of request: From: July 1, 2011 To: June 30, 2013

Local board approval date: 7/19/11
Date of public hearing: 7/19/11

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): CCR Title 5, Section 11960(a) Circle One: EC or CCR

Topic of the waiver: Charter School Multi-Track Calendar

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _n/a_ and date of SBE Approval _n/a_. Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? _X_ No __ Yes If yes, please complete required information below: The charter school does not have a bargaining unit.

Bargaining unit(s) consulted on date(s):

Name of bargaining unit and representative(s) consulted:

The position(s) of the bargaining unit(s): __ Neutral __ Support __ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper ___ Notice posted at each school _X_ Other: (Please specify)

Notice posted at District Office, District website, Carden and four other locations around Carden Virtual Academy.

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: San Bernardino City Unified School District
Date the committee/council reviewed the waiver request 7/19/11

Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Enable Carden Virtual Academy, a California public charter school, to apply for waiver under CCR-Title 5 Section 11960 (a), to allow the charter school attendance to be calculated as a regular multi track school.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

This waiver is being requested to enable Carden Virtual Academy to operate a multi-track year round education calendar with 3 tracks. Each track of students will be offered school for a minimum of 175 days of instruction and no track will have fewer than 55% of its school days prior to April 15. Therefore, the waiver is requested to separately calculate ADA in each track (rather than the school as a whole) by method set forth in Title 5 CCR Section 11960(a), and then total the resulting figures. This is the same method that is required for non-charter schools that operate on a multi-track year round calendar. The reason for operating a multi-track calendar is that our target population comprised mainly of individualized learning students benefit from a calendar with a staggered start, which enables them to commence the school year on a schedule that works well with their existing life circumstances, such as summer and part-time employment, coordination with local school district academic calendars, and meeting the unique academic needs of this student population. The second track matches the San Bernardino City USD calendar, with the first track beginning one full school month earlier, and the third track one full school month later.

8. Demographic Information:

The charter school has a widely diverse student population of approximately 350 and provides educational services to students across San Bernardino and contiguous counties targeting those who have been underserved by their current school options.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) **No** ☐ **Yes** ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? **No** ☐ **Yes** ☐
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title: Mohammad Z. Islam</th>
<th>Date:</th>
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<tbody>
<tr>
<td></td>
<td>Chief Business and Financial Officer</td>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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# Modoc Charter School

## Meeting Calendar

*For Staff*

### July 2008

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**If a date has a dark highlight around square and a different font those days have multiple things happening**

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### Teacher Meetings

**Staff Development/All Teachers**
Aug 7-9; Oct 5; Jan 11; Mar 7; May 9

**Redding Teacher Meetings**
Sept 19; Nov 28; Feb 27; Apr 23; June 18

**Alturas Teacher Meetings**
Sept 26; Dec 5; April 30; June 25

**Phone Conference**
Feb 29

---

### TAG Meetings - 10 AM - 12 PM

- Aug 28; Sept 25; Oct 23; Nov 27; Jan 29; Feb 26; Apr 29; May 27; Jun 24

**A+ Conference**
Oct 17-19

### Family Days - 2 - 4 PM

- Oct 3 = Science; Nov 14 = Lang. Arts
- Mar 6 = History Day & Project
- Apr 25 = Curriculum Fair + Science Fair & Math

---

### Advisory Meetings

- Thursdays 3 pm
- Sept 6; Nov 1; Jan 10; Mar 6; May 8

---

### Board Meetings

- Aug 13; Sept 10; Oct 8; Nov 13; Dec 10; Jan 14; Feb 12; Mar 10; Apr 14; May 12; June 9

---

### Alturas Trips

- Sept 26, 27; Oct 24-25; Dec 5-6;
- Jan 30-31; Feb 12, 13; Mar 26, 27;
- Apr 30-May 1; June 25, 26

---

### Committee Meeting Dates

- Sept. 26, 27; Oct. 24, 25; Dec. 5, 6;
- Jan. 30-31; Feb. 12, 13; Mar. 26, 27;
- Apr. 30-May 1; June 25, 26

---

### Student Meeting Week

- Sept. 10-14; Oct. 8-12; Nov. 5-9;
- Dec. 10-14; Jan. 18-25; Feb. 15-22;
- Mar. 10-14; Apr. 14-18; May 12-16; June 2-6
# Taylion Virtual Academy San Bernardino
## 2011 - 2012 School Calendar

<table>
<thead>
<tr>
<th>Month</th>
<th>School Begins/Ends Quarter/Semester Dates</th>
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<tbody>
<tr>
<td>August 2011</td>
<td>STAR TESTING CaHSEE Nov 1 &amp; 2 (GR 11 &amp; 12) Feb 7 &amp; 8 (GR 10-12) Mar 13 &amp; 14 (GR10 MU) 4th &amp; 7th Writing Graduation</td>
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<tr>
<td>September 2011</td>
<td>TEACHER INSVC - No School July 5, Track 1 - Start Date Aug 1, Track 2 - Start Date Aug 29, Track 3 - Start Date May 3, Track 1 - End Date May 31, Track 2 - End Date June 27, Track 3 - End Date</td>
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<tr>
<td>October 2011</td>
<td>School Begins/Ends Quarter/Semester Dates</td>
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<tr>
<td>June 2012</td>
<td>School Begins/Ends Quarter/Semester Dates</td>
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**School Testing & Info.**

**STAR TESTING**

**CaHSEE**
November 1 & 2 (GR 11 & 12)
February 7 & 8 (GR 10-12)
March 13 & 14 (GR10 MU)

**4th & 7th Writing**

**Graduation**

---

**Holidays & Office Closed**

- July 4, Independence Day
- September 5, Labor Day
- November 11, Veteran's Day
- November 21-25, Thanksgiving
- December 19 - Jan. 6, Winter Break
- Jan. 16, Martin Luther King
- Feb. 17 & 20, Presidents' Day
- Mar 19 -30, Spring Break
- May 28, Memorial Day

---

**Total School Days**

175

---

**As of 7/11/2011**
AAV of SBE Item W-2 Attachment 3

This page is the Accessible Alternative Version (AAV) of Item W-2 Attachment 3 from the March 7-8, 2012 State Board of Education (SBE) meeting.

This page is the Accessible Alternative Version (AAV) of Item W-2 Attachment 3 from the March 7-8, 2012 State Board of Education (SBE) meeting. The scanned Item W-2 Attachment 3 (XLS; 1.3MB; 1p.) version is considered to be the official version of the document.

Taylion Virtual Academy San Bernadino

2011–2012 SCHOOL CALENDAR

School Begins/Ends
Quarter/Semester Dates

- July 5, Track 1 – Start Date
- August 1, Track 2 – Start Date
- August 29, Track 3 – Start Date
- May 3, Track 1 – End Date
- May 31, Track 2 – End Date
- June 27, Track 3 – End Date

Holidays and Breaks

- July 4, Independence Day
- September 5, Labor Day
- November 11, – Veterans Day
- November 21 to 25 – Thanksgiving Break
- December 14 to January 6 – Winter Break
- January 16 – Martin Luther King Day
- February 17 and 20 – President Days
- March 19 to 30 – Spring Break
- May 28 – Memorial Day

Teacher In-Service – No School

- August 26
- September 30
- October 28
- November 18
- April 23

Questions: State Board of Education | 916-319-0827

Last Reviewed: Monday, February 27, 2012
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___  
Renewal Waiver:  X

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814  

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

Local educational agency:  
Los Angeles Unified on behalf of  
Fenton Primary Center  

Contact name and Title:  
Richard Parra, Director  

Contact person’s e-mail address:  
rparra@fentoncharter.net

Address:  
11828 Gain Street  
Lake View Terrace  
CA 91342

Period of request:  (month/day/year)  
From:  07/01/2011  
To:  06/29/2013

Local board approval date: (Required)  
12/06/11

Date of public hearing: (Required)  
12/06/11

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  
Title 5, Sections 11960 (a) and (b)

Circle One:  EC  or  CCR

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  21-12-2009  
and date of SBE Approval: March 2010  
Renews of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  
_X No  __ Yes  
If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):

Name of bargaining unit and representative(s) consulted:

The position(s) of the bargaining unit(s):  __ Neutral  __ Support  __ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement:  
A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

_X  Notice in a newspaper  ___ Notice posted at each school  ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request:

Were there any objection(s)?  No  X  Yes  
(If there were objections please specify)
6. **Education Code** or **California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key). Requested by Los Angeles Unified School District for Fenton Primary Center to waive California Code of Regulations Title 5, Sections 11960(a) and (b) to allow the charter school attendance to be calculated as if were regular multi-track school and to allow a 170-day calendar.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   The Fenton Primary Center opened in July 2008 with the specific intent of creating a mechanism for moving Fenton Avenue Charter School off a year round, multi-track calendar for the first time in over 20 years. The Fenton Primary Center relieved Fenton Avenue Charter School of one-third of its students, but until the Fenton Primary Center builds its own site, both schools will operate on a single-track calendar. Several attempts to acquire a property three blocks from Fenton Avenue have fallen through, and hence, the relocation has not occurred. In July 2011, a different suitable location was identified, is in escrow, and an architect has been contracted to design the school. The site will be ready for occupancy in July 2013. Until site completion and relocation of the Fenton Primary Center, the charter school will need to follow the 170-day multi-track calendar. To accommodate the needs of students, the school day has been extended and instructional minutes far exceed State requirements: Kindergarten minutes -62,190 (compared to the required 36,000); 1st grade – 64,740 (compared to the required 50,400).

8. Demographic Information: (District/school/program) ____ has a student population of ____480____ and is located in a ____ (urban, rural, or small city etc.) ____ in ____Los Angeles ____ County.

---

**Is this waiver associated with an apportionment related audit penalty?** (per EC 41344)  
No  ☒ Yes  ☐

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No  ☒ Yes  ☐

(If yes, please attach explanation or copy of CPM finding)

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**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

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<tr>
<td>Jose Cole-Gutierrez</td>
<td>Director, Charter Schools</td>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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FENTON PRIMARY CENTER

Year Round Instructional School Calendar – 2011-2012

Calendario Escolar de Instrucción Todo el Año – 2011-2012

JULY
JULIO

AUGUST
AGOSTO

SEPTEMBER
SEPTIEMBRE

OCTOBER
OCTUBRE

NOVEMBER
NOVIEMBRE

DECEMBER
DICIEMBRE

JANUARY
ENERO

FEBRUARY
FEBRERO

MARCH
MARZO

APRIL
ABRIL

MAY
MAYO

JUNE
JUNIO

7/1/11 Pupil-Free Day - Staff Development Day for Teachers
Dia Libre para Estudiantes - Desarrollo para Personal
Fourth of July
Cuatro de Julio
7/5/11 First Day of the School Year for Tracks B and C
Primer Dia de Clases para Secciones B y C
8/1/11 First Day of the School Year for A-Track
Primer Dia de Clases para la Sección A

9/5/11 Labor Day
Dia de Trabajo
Veterans’ Day
Dia de los Veteranos
11/24-11/25/11 Thanksgiving Holiday
Dia de dar Gracias
Winter Recess
Descanso de Invierno

11/11/11 Presidents’ Day
Dia de los Presidentes
Memorial Day
Dia Memorial
5/28/12 Last Day of the School Year for B-Track
Ultimo Dia para Seccion B
5/31/12 Last Day of the School Year for A-Track
Ultimo Dia para Seccion A

12/22 - 1/2/12 Winter Break

1/16/12

Dr. Martin Luther King, Jr. Birthday Observance
Observación del Natalicio de Dr. Martin Luther King, Jr.
FENTON PRIMARY CENTER

Year Round Instructional School Calendar 2011–2012

Holidays and Breaks

- July 1, 2011 – Staff Development Day
- July 4, 2011 – Fourth of July
- July 5, 2011 – First Day of the School Year for Tracks B and C
- August 1, 2011 – First Day of the School Year for A-Track
- September 5, 2011 – Labor Day
- November 11, 2011 – Veterans Day
- November 24 to 25, 2011 – Thanksgiving Holiday
- December 22, 2011 to January 2, 2012 – Winter Recess
- January 16, 2012 – Martin Luther King Day
- February 20, 2012 – President Day
- May 28, 2012 – Memorial Day
- May 31, 2012 – Last Day of School Year for B-Track
- June 29, 2012 – Last Day of School Year Tracks A and C

Questions: State Board of Education | 916-319-0827

Last Reviewed: Monday, February 27, 2012
# Fenton Primary Center

## Year-Round School Instructional Calendar 2012-2013

### Calendario Escolar de Instrucción de Todo el Año 2012-2013

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<tr>
<th>July</th>
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<th>September</th>
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</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>B</td>
<td>C</td>
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</tbody>
</table>

<table>
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<tr>
<th>January</th>
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<tbody>
<tr>
<td>Enero</td>
<td>Febrero</td>
<td>Marzo</td>
<td>Abril</td>
<td>Mayo</td>
<td>Junio</td>
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</tbody>
</table>

| Staff Development [S] | Staff Development [S] | Fourth of July | Veterans' Day | Thanksgiving Holiday | Winter Recess | Dr. Martin Luther King Jr. Birthday Observance | Presidents' Day | Memorial Day | Last Day of the School Year for B-Track | Last Day of the School Year for A & C |

| 7/2/12  | 7/3/12  | 7/4/12  | 7/5/12  | 9/3/12  |
| Desarrollo para Personal [S] | Desarrollo para Personal [S] | Cuarto de Julio | Primer Día de Clases para Secciones B y C | Día de Trabajo |

| 11/12/12 | 11/22-11/23/12 | 12/24/12-1/1/13 | 1/21/13 | |
| Día de los Veteranos | Día de Gracias | Descanso de Invierno | Observación del Natalicio del Dr. Martin Luther King Jr. | |

| Día del los Presidentes | Día Memorial | Último Día para Sección B | Último Día para Secciones A y C |
FENTON PRIMARY CENTER

Year Round Instructional School Calendar 2012– 2013

Holidays and Breaks

- July 2, 2012 – Staff Development Day
- July 3, 2012 – Staff Development Day
- July 4, 2012 – Fourth of July
- July 5, 2012 First Day of the School Year for Tracks B and C
- September 3 2012 – Labor Day
- November 12, 2012 – Veterans Day
- November 22 to 23, 2012 – Thanksgiving Break
- December 24, 2012 to January 1, 2013 – Winter Recess
- January 21, 2013 – Martin Luther King Day
- February 18 to 2013 – President Day
- May 26, 2013 – Memorial Day
- June 4, 2013 – Last Day of School Year for Track B
- June 27, 2013 Last Day of School Year for A & C

Questions:  State Board of Education | 916-319-0827

Last Reviewed: Monday, February 27, 2012
## CALIFORNIA DEPARTMENT OF EDUCATION

### GENERAL WAIVER REQUEST

**First Time Waiver:** __X_

**Renewal Waiver:** ____

---

**Send Original plus one copy to:**
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

**Send Electronic copy in Word and back-up material to:** waiver@cde.ca.gov

---

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### Local educational agency:
Lakeside Union School District **on behalf of**
National University Academy

### Contact name and Title:
District: Brian Bristol, Superintendent
School: Sarah Medina, Assoc. Dir, Data and Assessment

### Contact person’s e-mail address:
bbristol@lsusd.net
smedina@nu.edu

---

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<th>(ZIP)</th>
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<tr>
<td>School: 2030 University Dr., Vista, CA 92083</td>
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### Period of request: (month/day/year)
**From:** 7/1/2011  **To:** 6/30/2013

### Local board approval date: (Required)
December 8, 2011

### Date of public hearing: (Required)
November 30, 2011

---

### LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number):

   Circle One: **EC** or **CCR**

   11960(a)

   **Topic of the waiver:** **Multi-Track School**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: __No__ and date of SBE Approval____

   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? **X** No _Yes_ If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):**

   **Name of bargaining unit and representative(s) consulted:**

   **The position(s) of the bargaining unit(s):** __ Neutral __ Support __ Oppose (Please specify why)

   **Comments (if appropriate):**

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   **How was the required public hearing advertised?**

   ___ Notice in a newspaper  __X__ Notice posted at each school  ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   **NUA Board of Directors and Sparrow Program (K-3 grades) Parent Advisory Council**

   **Date the committee/council reviewed the waiver request:** December 6th and 8th, 2011

   **Were there any objection(s)?** **No** **X** __ Yes ___ (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

   Apply for waiver under CCR-Title 5 Section 11960 (a) to allow National University Academy to calculate attendance as a regular multi-track school.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   National University Academy (NUA), chartered under Lakeside Union School District (LUSD), acquired a K-3 classroom-based program in August, 2011 that had previously been operating under a different charter school in the same district. That other charter school closed due to financial reasons and the district superintendent at the time asked if NUA would be in a position to support the K-3 program. Because of the time involved in gaining the chartering board approval and locating a suitable facility, the K-3 program school start date was delayed. The existing 6-12th grade program opened on August 22, 2011 and the K-3 program was not able to open until September 12, 2011. Therefore, the school needed to operate 2 different tracks. NUA is also an alternative education option, which had primarily served at-risk students in an independent study model. The new K-3 program is classroom-based and operates in a tradition, comprehensive campus model. The two programs are held at different sites and operate with different administrative staff. Two school calendars would be the best method to serve the entire school population of NUA.

   Track A (grades 6-12, independent study) operates 180 days of instruction
   Track B (grades K-3, classroom based) operates 180 days of instruction, 44,820 minutes of instruction for Kindergarten and 53,820 minutes of instruction for grades 1-3.

8. Demographic Information:
   National University Academy has a student population of 471 and is headquartered in Vista, California and serves students in multiple learning centers throughout San Diego and Riverside counties, primarily urban settings.

   Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  No X  Yes □
   (If yes, please attach explanation or copy of audit finding)

   Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X  Yes □
   (If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

<table>
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<td>Division Director (type or print):</td>
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<tr>
<td>Deputy (type or print):</td>
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NUA / NUAA SCHOOL  
2011 - 2012 CALENDAR

Academic Semesters

Teacher Additional Work Days
Aug. 18 - 19, 2011
Jan. 19 - 20, 2012
June 11, 2012

Holidays and Breaks
Sept. 5, 2011 - Labor Day
Nov. 11, 2011 - Veterans Day
Nov. 21 - 25, 2011 - Thanksgiving Break
Jan. 2, 2012 - New Year Day Holiday
Jan. 16, 2012 - MLK Day
Feb. 17 - 20, 2012 - President Days
April 2 - 9, 2012 - Winter Break
May 28, 2012 - Memorial Day
NUA / NUAA SCHOOL 2011 – 2012 CALENDAR 180 Days

Academic Semesters

- 1st Semester August 22, 2011 to January 18, 2012
- 2nd Semester January 23rd 2012 to June 8, 2012

Traditional Additional Work Days

- August, 18 to 19, 2011
- January 19 to 20, 2012
- June 11, 2012

Holidays and Breaks

- September 5 2011 – Labor Day
- November 21, 2011 – Veterans Day
- November 21 to 25, 2011 – Thanksgiving Break
- December 19 to 30, 2011 – Christmas Break
- January 2, 2012 – New Year Day Holiday
- January 16, 2012 – Martin Luther King Day
- February 17 to 20, 2012 – President Days
- April 2 to 9, 2012 – Winter Break
- May 28, 2012 – Memorial Day

180 Total Instructional Days

Questions:  State Board of Education | 916-319-0827

Last Reviewed: Monday, February 27, 2012
### 2011-2012 School Calendar

#### National University Academy Sports Program (Track B)

<table>
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<tr>
<th>School Year</th>
<th>Academic Semesters</th>
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<tbody>
<tr>
<td><strong>September 2011</strong></td>
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<td><strong>Track B</strong></td>
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<tr>
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<td><strong>Track B</strong></td>
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<tr>
<td><strong>December 2011</strong></td>
<td><strong>Track B</strong></td>
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<tr>
<td><strong>January 2012</strong></td>
<td><strong>Track B</strong></td>
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<tr>
<td><strong>February 2012</strong></td>
<td><strong>Track B</strong></td>
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<td><strong>March 2012</strong></td>
<td><strong>Track B</strong></td>
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<td><strong>April 2012</strong></td>
<td><strong>Track B</strong></td>
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<tr>
<td><strong>May 2012</strong></td>
<td><strong>Track B</strong></td>
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<tr>
<td><strong>June 2012</strong></td>
<td><strong>Track B</strong></td>
</tr>
</tbody>
</table>

**Holidays & Breaks**
- **September 8-9, 2011**: Workdays
- **June 21-22, 2012**: Workdays
- **Sem. 2**: 9/29 - 5/22
- **Sem. 1**: 1/29 - 9/29

**Teacher Additional**
National University Academy Sparrow Program (Track B)

2011–2012 SCHOOL CALENDAR 180 Days

Academic Semesters

- 1st Semester September 12, 2011 to February 3, 2012
- 2nd Semester February 6, 2012 to June 21, 2012

Teacher Additional Work Days

- September 8-9, 2011
- June 21-22 and 25, 2012

Holidays and Breaks

- November 11, 2011 – Veterans Day
- November 23 to 25, 2011 – Thanksgiving Break
- December 19 to 30, 2011 – Christmas Break
- January 2, 2012 – New Year Day Holiday
- January 16, 2012 – Martin Luther King Day
- February 20, 2012 – President Days
- April 2 to 6, 2012 – Spring Break
- May 28, 2012 – Memorial Day

180 Total Instructional Days

Questions: State Board of Education | 916-319-0827

Last Reviewed: Monday, February 27, 2012
CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2012 AGENDA

General Waiver

SUBJECT
Request by two county offices of education and seven school districts to waive portions of California Code of Regulations, Title 5, Section 11960(a), to allow the charter school attendance to be calculated as if it were a regular multi-track school (5 tracks; 175 days).

Waiver Numbers: Antelope Valley Union High 11-1-2012
Dehesa Elementary 12-1-2012
Fresno County Office of Education 10-1-2012
Julian Union Elementary 13-1-2012
Palmdale Elementary 7-1-2012
Stone Corral Elementary 8-1-2012
Ventura County Office of Education 33-8-2011
Westside Elementary 9-1-2012
William S. Hart Unified High 14-1-2012

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval with the following conditions:

1. Each charter school will operate up to five tracks; each track will offer a minimum of 175 days.

2. For each track, each charter school will offer the minimum annual instructional minutes as specified by California Education Code (EC) Section 47612.5.

3. No track will have fewer than 55 percent of its school days completed prior to April 15.

4. Average daily attendance (ADA) will be calculated separately for each track by the method set forth in California Code of Regulations Title 5 (5 CCR), Section 11960, and then the resulting attendance figures will be totaled.

5. For each pupil attending more than one track over the course of the fiscal year, including intersessions and supplemental tracks, attendance must be calculated individually by pupil. In that event, the charter school is directed to work with the CDE to determine the appropriate method for configuring individual student’s
RECOMMENDATION (cont.)

ADA to ensure that each student does not generate more than one ADA.

6. For tracks that operate during the months of June, July or August, to be eligible for attendance credit a student must have been enrolled in the charter school at least 30 days before the end of the previous school year, or must still be enrolled in the charter school at least through September 30 of the current year.

All of the waivers, except for waiver 33-8-2011 submitted by the Ventura County Office of Education (COE), were originally submitted in the fall of 2011 as two-year permanent waivers; those waivers were approved by the State Board of Education (SBE) at the September 2011 meeting for only the 2010–11 fiscal year. The waivers are being requested again for the same charter schools for the 2012–13 fiscal year; approval will make the waivers permanent.

The waiver for Ventura COE is for the 2011–12 and 2012–13 fiscal years, and approval will also make it permanent. Because these waivers will be permanent, EC Section 33051(b) will apply, and the COEs and school districts will not be required to reapply annually if information contained in the request remains current.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its July 2000 meeting, the SBE approved SBE’s Policy #00-05 Charter School Average Daily Attendance: Alternative Calculation Method, available at http://www.cde.ca.gov/re/lr/wr/documents/charterschoolada.doc, which applies to this waiver request. Many multi-track calendar waivers for charter schools have been approved by the SBE in the past 11 years.

Eight of these charter schools received one year multi-track waivers for the 2011–12 fiscal year at the September 2011 SBE meeting.

SUMMARY OF KEY ISSUES

Section 11960(a) of 5 CCR defines regular ADA in a charter school and establishes the calculation for determining ADA. The calculation divides the total number of pupil-days attended by the total number of days school was actually taught. This section also requires a proportional reduction in a charter school's funding for each day less than 175 days if the school operates fewer than 175 days in any fiscal year.

As referenced in the SBE Policy #00-05:

"Attendance" means the attendance of charter school pupils while engaged in educational activities required of them by their charter schools, on days when school is actually taught in their charter schools. "Regular average daily attendance" shall be computed by dividing a charter school's total number of pupil-days of attendance by the number of calendar days on which school was actually taught in the charter school.
SUMMARY OF KEY ISSUES (cont.)

For purposes of determining a charter school's total number of pupil-days of attendance, no pupil may generate more than one day of attendance in a calendar day.

A multi-track calendar waiver is typically requested by charter schools that operate on a multi-track, year-round education calendar in order to claim the full ADA. In a multi-track calendar, the total number of days that school is taught may exceed 200 days. However, each track of students is only provided instruction for the number of days in a given track, typically 175 days. Therefore, a waiver is necessary for a multi-track charter school to separately calculate ADA in each track, rather than for the school as a whole.

Two COEs and eight school districts (Attachment 1) are requesting these waivers on behalf of nine charter schools, to allow the charter schools to operate a four-track calendar. Each of the schools provides its accountability data under the Alternative Schools Accountability Model. All of the charter schools share the same school calendar (Attachment 2).

The total number of days each school is teaching per year is 240. However, each track of students will be offered a minimum of 175 days of instruction. The reason for operating a multi-track calendar is that all of the schools' target populations, comprised mainly of at-risk students, benefit from a calendar with staggered start dates.

Waivers of this section will allow the schools to operate four tracks with a minimum of 175 days of instruction and separately calculate the ADA for each track, rather than for entire schools. This is consistent with how ADA is calculated for a regular school with multiple tracks.

Because these are general waivers, if the SBE decides to deny the waivers, it must cite one of the seven reasons in EC 33051(a). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed; (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request; (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees; (4) Pupil or school personnel protections are jeopardized; (5) Guarantees of parental involvement are jeopardized; (6) The request would substantially increase state costs; and (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Demographic Information: See each individual waiver

Authority for Waiver: EC Section 33050

SUMMARY OF KEY ISSUES (cont.)

**Local board approval date(s):** See Attachment 1

**Public hearing held on date(s):** See Attachment 1

**Bargaining unit(s) consulted on date(s):** None of the charter schools has a bargaining unit.

**Name of bargaining unit/representative(s) consulted:** None of the charter schools has a bargaining unit.

**Position of bargaining unit(s) (choose only one):**

- [ ] Neutral
- [ ] Support
- [x] Oppose:

**Comments (if appropriate):** The charter schools do not have a bargaining unit.

**Public hearing advertised by (choose one or more):**

- [ ] posting in a newspaper
- [ ] posting at each school
- [x] posting at district office

**Advisory committee(s) consulted:** See Attachment 1

**Objections raised (choose one):**

- [x] None
- [ ] Objections are as follows:

**Date(s) consulted:** See Attachment 1

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval.

**ATTACHMENT(S)**

Attachment 1: Summary Table (1 Page)


Attachment 3: William S. Hart Unified High School District General Waiver Request (2 Pages) (Original Waiver request is signed and on file in the Waiver Office.)

Attachment 4: Fresno County Office of Education General Waiver Request (2 Pages) (Original Waiver request is signed and on file in the Waiver Office.)

Attachment 5: Dehesa Elementary School District General Waiver Request (2 Pages)
Attachment 6: Palmdale Elementary School District General Waiver Request (2 Pages) (Original Waiver request is signed and on file in the Waiver Office.)

Attachment 7: Stone Corral Elementary School District General Waiver Request (2 Pages) (Original Waiver request is signed and on file in the Waiver Office.)

Attachment 8: Westside Elementary School District General Waiver Request (2 Pages) (Original Waiver request is signed and on file in the Waiver Office.)

Attachment 9: Antelope Valley Union High School District General Waiver Request (2 Pages) (Original Waiver request is signed and on file in the Waiver Office.)

Attachment 10: Julian Union Elementary School District General Waiver Request (2 Pages) (Original Waiver request is signed and on file in the Waiver Office.)

Attachment 11: Ventura County Office of Education General Waiver Request (2 Pages) (Original Waiver request is signed and on file in the Waiver Office.)
<table>
<thead>
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<th>Waiver Number</th>
<th>District</th>
<th>Period of Request</th>
<th>Demographic Information</th>
<th>Local Board Public Hearing and Approval Dates</th>
<th>Advisory Committees Consulted and Dates</th>
<th>Public Hearing Advertisement</th>
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<td>8-1-2012</td>
<td>Stone Cornal Elementary School District on behalf of Crescent Valley Public Charter</td>
<td>July 1, 2012 through June 30, 2013</td>
<td>Crescent Valley Public Charter has a student population of 504 and is located in the city of Visalia in Tulare County.</td>
<td>May 17, 2011 and May 12, 2011</td>
<td>School Site Council (SSC), 5/12/11; English Learner Advisory Committee (ELAC), 5/12/11</td>
<td>Other - Notice posted at the District Office.</td>
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<td>9-1-2012</td>
<td>Westside Elementary School District on behalf of Crescent View South, Inc.</td>
<td>July 1, 2012 through June 30, 2013</td>
<td>Crescent View South, Inc. has a student population of 606 and is located in the city of Fresno in Fresno County.</td>
<td>May 24, 2011 and May 18, 2011</td>
<td>School Site Council, 5/18/11; English Learner Advisory Committee, 5/18/11</td>
<td>Other - Notice posted at the District Office.</td>
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<td>10-1-2012</td>
<td>Fresno County Board of Education on behalf of Crescent View West Public Charter, Inc.</td>
<td>July 1, 2012 through June 30, 2013</td>
<td>Crescent View West Public Charter, Inc. has a student population of 428 and is located in the city of Fresno in Fresno County.</td>
<td>June 16, 2011</td>
<td>District Advisory Council, 6/16/11</td>
<td>Other - Notice posted at the District Office.</td>
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<td>33-8-2011</td>
<td>Ventura County Office of Education on behalf of Vista Real Public Charter, Inc.</td>
<td>July 1, 2011 to June 30, 2013</td>
<td>Vista Real Public Charter, Inc. has a student population of 912 and is located in the city of Oxnard in Ventura County.</td>
<td>August 22, 2011</td>
<td>School Advisory Committee, 5-12-2011</td>
<td>Other - Posted at County Office.</td>
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### 2011-2012 Calendar

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#### P1, P2, PA Days, Not including Supplemental

- **Track A**: 175
- **Track B**: 175
- **Track C**: 175
- **Track D**: 175

### 2012-2013 Calendar

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#### 2012-2013 School Year

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<td>D</td>
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<tr>
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<td>Track B</td>
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P1, P2, PA Days, Not including Supplemental

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<td>96</td>
<td>121</td>
<td>175</td>
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<tr>
<td>C</td>
<td>76</td>
<td>121</td>
<td>175</td>
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<tr>
<td>D</td>
<td>49</td>
<td>121</td>
<td>175</td>
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Note: Days not including Supplemental Track
Charter School Calendar 2011-2012 and 2012-13

The 2011-12 School Year has 175 School Days.

- Track A has 175 School Days.
- Track A Supplemental has 58 School Days.
- Track B has 175 School Days.
- Track B Supplemental has 47 School Days.
- Track C has 175 School Days.
- Track C Supplemental has 27 School Days.
- Track D has 175 School Days.
- Track D Supplemental has 8 School Days.

The following P1, P2, and PA Days do not include Supplemental days.

- Track A has 106 Days for P1, 121 Days for P2, and 175 Days for PA
- Track B has 96 Days for P1, 121 Days for P2, and 175 Days for PA
- Track C has 76 Days for P1, 121 Days for P2, and 175 Days for PA
- Track D has 49 Days for P1, 121 Days for P2, and 175 Days for PA

July 2011

- Track A - July 1 to July 31 July 4 to 8 are holidays
- Track B - July 25 to July 31
- Track C - July 22 to July 31

August 2011

- Track A - August 1 to August 31
- Track B – July 25 to August 31
- Track C - August 22 to August 31

September 2011

- Track A - September 1 to September 30; September 5 is a holiday
- Track B - September 1 to September 30; September 5 is a holiday
- Track C - September 1 to September 30; September 5 is a holiday
- Track D - September 19 to September 28 are Track D Supplemental Days; September 19 to September 28

October 2011

- Track A - October 3 to October 31
- Track B - October 3 to October 31
- Track C - October 3 to October 31
- Track D - October 3 to October 31

November 2011

- Track A - November 1 to November 30; November 11 is a holiday; November 24 to November 25 are holidays
- Track B - November 1 to November 30; November 11 is a holiday; November 24 to November 25 are holidays
Track C - November 1 to November 30; November 11 is a holiday; November 24 to November 25 are holidays
Track D - November 1 to November 30; November 11 is a holiday; November 24 to November 25 are holidays

December 2011

- Track A - December 1 to December 8; December 9 to December 16 are Track A Supplemental Days; December 12 to December 16 December 19 to 30 are holidays; December 9 is P1
- Track B - December 1 to December 16; December 19 to December 30 are holidays; December 9 is P1
- Track C - December 1 to December 16; December 19 to December 30 are holidays; December 9 is P1
- Track D - December 1 to December 16 December 19 to December 30 are holidays; December 9 is P1

January 2012

- Track A - January 2 to January 31 are Track A Supplemental Days; January 16 is a holiday
- Track B - January 2 to January 6; January 9 to January 31 are Track B Supplemental Days; January 16 is a holiday
- Track C - January 2 to January 31; January 16 is a holiday
- Track D - January 2 to January 31; January 16 is a holiday

February 2012

- Track A - February 1 to February 29 are Track A Supplemental Days; February 17 and February 20 are holidays
- Track B - February 1 to February 29 are Track B Supplemental Days; February 17 and February 20 are holidays
- Track C - February 1 to February 3; February 6 to February 29 are Track C Supplemental Days; February 17 and February 20 are holidays
- Track D - February 1 to February 29; February 17 and February 20 are holidays

March 2012

- Track A - March 1 to March 16 are Track A Supplemental Days; March 19 to March 30; March 5 is a holiday
- Track B - March 1 to March 16 are Track B Supplemental Days; March 19 to March 30; March 5 is a holiday
- Track C - March 1 to March 16 are Track C Supplemental Days; March 19 to March 30; March 5 is a holiday
- Track D - March 1 to March 30; March 5 is a holiday

April 2012

- Track A - April 2 to April 6 are holidays; April 9 to April 30; April 13 is P2
- Track B - April 2 to April 6 are holidays; April 9 to April 30; April 13 is P2
- Track C - April 2 to April 6 are holidays; April 9 to April 30; April 13 is P2
- Track D - April 2 to April 6 are holidays; April 9 to April 30; April 13 is P2

May 2012

- Track A - May 1 to May 31; May 28 is a holiday
- Track B - May 1 to May 31; May 28 is a holiday
- Track C - May 1 to May 31; May 28 is a holiday
- Track D - May 1 to May 31; May 28 is a holiday

June 2012

- Track A - June 1 to June 29
- Track B - June 1 to June 29
- Track C - June 1 to June 29
- Track D - June 1 to June 29

The 2012-13 School Year has 175 School Days.

- Track A has 175 School Days.
- Track A Supplemental has 57 School Days.
- Track B has 175 School Days.
- Track B Supplemental has 42 School Days.
- Track C has 175 School Days.
- Track C Supplemental has 22 School Days.
- Track D has 175 School Days.
- Track D Supplemental has 3 School Days.
The following P1, P2, and PA Days do not include Supplemental days.

- Track A has 106 Days for P1, 121 Days for P2, and 175 Days for PA
- Track B has 96 Days for P1, 121 Days for P2, and 175 Days for PA
- Track C has 76 Days for P1, 121 Days for P2, and 175 Days for PA
- Track D has 49 Days for P1, 121 Days for P2, and 175 Days for PA

July 2012

- Track A - July 1 to July 31
- July 2 to 6 are holidays
- Track B - July 30 to July 31

August 2012

- Track A - August 1 to August 31
- Track B - July 30 to August 31
- Track C - August 27 to August 31

September 2012

- Track A - September 4 to September 28; September 3 is a holiday
- Track B - September 4 to September 28; September 3 is a holiday
- Track C - September 4 to September 28; September 3 is a holiday
- Track D - September 27 to September 28 are Track D Supplemental Days; September 24 to September 26

October 2012

- Track A - October 1 to October 31
- Track B - October 1 to October 31
- Track C - October 1 to October 31
- Track D - October 1 to October 31

November 2012

- Track A - November 1 to November 30; November 9 is a holiday; November 22 to November 23 are holidays
- Track B - November 1 to November 30; November 9 is a holiday; November 22 to November 23 are holidays
- Track C - November 1 to November 30; November 9 is a holiday; November 22 to November 23 are holidays
- Track D - November 1 to November 30; November 9 is a holiday; November 22 to November 23 are holidays

December 2012

- Track A - December 3 to December 7; December 10 to December 21 are Track A Supplemental Days; December 24 to December 28 and December 24 to 31 are holidays; December 14 is P1
- Track B - December 3 to December 21; December 24 to December 31 are holidays; December 14 is P1
- Track C - December 3 to December 21; December 24 to December 31 are holidays; December 14 is P1
- Track D - December 3 to December 21; December 24 to December 31 are holidays; December 9 is P1

January 2012

- Track A - January 7 to January 31 are Track A Supplemental Days; January 1 to 4 and 8 are holidays
- Track B - January 7 to January 11; January 14 to January 31 are Track B Supplemental Days; January 8 is a holiday
- Track C - January 7 to January 31; January 8 is a holiday
- Track D - January 7 to January 31; January 8 is a holiday

February 2012

- Track A - February 1 to February 28 are Track A Supplemental Days; February 15 and February 18 are holidays
- Track B - February 1 to February 28 are Track B Supplemental Days; February 15 and February 18 are holidays
- Track C - February 4 to February 8; February 11 to February 28 are Track C Supplemental Days; February 15 and February 18 are holidays
- Track D - February 4 to February 28; February 15 and February 18 are holidays

March 2012

- Track A - March 1 to March 15 are Track A Supplemental Days; March 19 to March 29; March 4 is a holiday
Track B - March 1 to March 15 are Track B Supplemental Days; March 19 to March 29; March 4 is a holiday
Track C - March 1 to March 15 are Track C Supplemental Days; March 19 to March 29; March 4 is a holiday
Track D - March 1 to March 29; March 4 is a holiday

April 2012

- Track A - April 1 to April 5 are holidays; April 8 to April 30; April 12 is P2
- Track B - April 1 to April 5 are holidays; April 8 to April 30; April 12 is P2
- Track C - April 1 to April 5 are holidays; April 8 to April 30; April 12 is P2
- Track D - April 1 to April 5 are holidays; April 8 to April 30; April 12 is P2

May 2012

- Track A - May 1 to May 31; May 27 is a holiday
- Track B - May 1 to May 31; May 27 is a holiday
- Track C - May 1 to May 31; May 27 is a holiday
- Track D - May 1 to May 31; May 27 is a holiday

June 2012

- Track A - June 3 to June 28
- Track B - June 3 to June 28
- Track C - June 3 to June 28
- Track D - June 3 to June 28

Questions: State Board of Education | 916-319-0827

Last Reviewed: Monday, February 27, 2012
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 11-30-10)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  X  
Renewal Waiver:  

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

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Local educational agency:  

Contact name and Title:  
District: Robert Challinor, Superintendent  
School: Skip Hansen, Sr. Vice President

Contact person’s e-mail address:  
rchallinor@hartdistrict.org  
shansen@learn4life.org

Address:  
(City)  
(State)  
(ZIP)  
Phone (and extension, if necessary):  
District:  
School:  
School Fax:

Period of request:  
(month/day/year)  
Local board approval date:  
(Required)  
Date of public hearing:  
(Required)

From:  
To:  

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  
Circle One:  
EC  
CCR  
11960(a)

Topic of the waiver:  Multi Track School

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  
and date of SBE Approval:

3. Collective bargaining unit information. Does the district have any employee bargaining units?  
X  No  
Yes  
If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):

Name of bargaining unit and representative(s) consulted:

The position(s) of the bargaining unit(s):  
Neutral  
Support  
Oppose  (Please specify why)

Comments (if appropriate):

4. Public hearing requirement:  A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

X  Notice in a newspaper  
Notice posted at each school  
Other:  
(Please specify)  
Notice Posted at District Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Parent Advisory Committee

Date the committee/council reviewed the waiver request:  
June 8, 2011

Were there any objection(s)?  No  
X  Yes  
(If there were objections please specify)
6. **Education Code** or **California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**). 

   35256. School Accountability Report Card
   
   Apply for waiver under CCR-Title 5 Section 11960 (a), to allow the Charter school attendance to be calculated as a regular multi track school.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages. 

   This Waiver is being requested because this Charter School proposes to operate a multi-track year round education calendar, with no more than 5 tracks. As a result, the number of days this school is actually teaching per year is 240. However, each track of students will be offered school for a minimum of 175 days of instruction and no track will have fewer than 55% of its school days prior to April 15th. Therefore the waiver is requested to separately calculate ADA in each track (rather than the school as a whole) by method set forth in CCR Title 5 Section 11960 (a) and then total the resulting figures. This is the same method required for non-charter schools that operate on a multi-track year round calendar. The reason for operating a multi-track calendar is our school is an ASAM school and our student population is comprised of mainly at-risk students who will benefit for a year round calendar which helps them catch up academically to ensure they get back on the road to earning a high school diploma.

8. Demographic Information:

   Mission View Public Charter, Inc. has a student population of 417 and is located in the city of Santa Clarita in Los Angeles County.

---

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**  
No ☒ Yes ☐

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?**  
No ☒ Yes ☐

(If yes, please attach explanation or copy of CPM finding)

---

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

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<th>Title:</th>
<th>Date:</th>
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CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 11-30-10) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  _X_  
Renewal Waiver:  ____

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814  

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

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| Local educational agency: Office of Education  |
| Fresno County Board of Education on behalf of:  |
| Crescent View West Public Charter, Inc.  |

| Contact name and Title:  |
| COE: Jamie D. Perry, Sr. Director  
School: Dante R. Simi, CEO  |

| Contact person’s e-mail address:  |
| jperry@fcoe.org  
dsimi@learn4life.org |

| Address:  |
| (City)  |
| (State)  |
| (ZIP)  |
| Fresno COE: 1111 Van Ness Avenue, Fresno, CA 93721  
School: 1901 East Shields Avenue, Suite 130, Fresno, CA 93726 |

| Phone (and extension, if necessary):  |
| Fresno COE: (559) 497-3771  
School: (559) 225-1106  
School Fax: (559) 225-1205 |

| Period of request: (month/day/year)  |
| From: 7/1/2011 To: 6/30/13  |

| Local board approval date: (Required)  |
| Fresno County Board of Education  
June 16, 2011 |

| Date of public hearing: (Required)  |
| Fresno County Board of Education  
June 16, 2011 |

**LEGAL CRITERIA**

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  
Circle One:  _EC_  or  _CCR_  
11960(a)

| Topic of the waiver:  |
| Multi Track School |

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  _No__  and date of SBE Approval ______

3. Collective bargaining unit information. Does the district have any employee bargaining units?  _X_  No  _X_  Yes  
If yes, please complete required information below:

| Bargaining unit(s) consulted on date(s):  |
|  |

| Name of bargaining unit and representative(s) consulted:  |
|  |

| The position(s) of the bargaining unit(s):  |
| Neutral  Support  Oppose (Please specify why)  |

| Comments (if appropriate):  |
|  |

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

| How was the required public hearing advertised?  |
| ___ Notice in a newspaper  ___ Notice posted at each school  _X_ Other: (Please specify)  Notice Posted at District Office per Fresno County Board of Education standard procedures for public hearing compliance |

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  District Advisory Council

| Date the committee/council reviewed the waiver request:  |
| June 16, 2011  |

| Were there any objection(s)?  |
| No  _X_  Yes  _X_  (If there were objections please specify)  |

To be saved for your records. An original and one copy must be sent to the Waiver Office. Electronically approved copies will be kept on file for this purpose.
6. **Education Code** or **California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   School Accountability Report Card
   Apply for waiver under CCR-Title 5 Section 11960 (a), to allow the Charter school attendance to be calculated as a regular multi track school.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   This Waiver is being requested because this Charter School proposes to operate a multi-track year round education calendar, with no more than 5 tracks. As a result, the number of days this school is actually teaching per year is 240. However, each track of students will be offered school for a minimum of 175 days of instruction and no track will have fewer than 55% of its school days prior to April 15th. Therefore the waiver is requested to separately calculate ADA in each track (rather than the school as a whole) by method set forth in CCR Title 5 Section 11960 (a) and then total the resulting figures. This is the same method required for non-charter schools that operate on a multi-track year round calendar. The reason for operating a multi-track calendar is our school is an ASAM school and our student population is comprised of mainly at-risk students who will benefit for a year round calendar which helps them catch up academically to ensure they get back on the road to earning a high school diploma.

8. Demographic Information:

   Crescent View West Public Charter, Inc. has a student population of 428 and is located in the city of Fresno in Fresno County.

   **Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**  
   No ☒  Yes ☐

   **Has there been a Categorical Program Monitoring (CPM) finding on this issue?**  
   No ☒  Yes ☐

   **District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

   Signature of Superintendent or Designee:  
   Title:  
   Date:

   FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

   Staff Name (type or print):  
   Staff Signature:  
   Date:

   Unit Manager (type or print):  
   Unit Manager Signature:  
   Date:

   Division Director (type or print):  
   Division Director Signature:  
   Date:

   Deputy (type or print):  
   Deputy Signature:  
   Date:
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 11-30-10)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

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| Local educational agency: Dehesa Elementary School District on behalf of Diego Hills Public Charter, Inc. | Contact name and Title: District: Janet Wilson, Superintendent School: Skip Hansen, Sr. Vice President |
| Address: | Phone (and extension, if necessary): |
| District: 4612 Dehesa Rd., El Cajon, CA 92019 School: 4585 College Avenue, Suite 4C, San Diego, CA 92115 | District: (619) 444-2161 |
| School: (619) 286-0312 School Fax: (619) 286-0791 |

| Period of request: (month/day/year) | Local board approval date: (Required) | Date of public hearing: (Required) |

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Circle One: EC or CCR 11960(a)

Topic of the waiver: Multi Track School

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _No__ and date of SBE Approval____

3. Collective bargaining unit information. Does the district have any employee bargaining units? _X_ No __ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):

   Name of bargaining unit and representative(s) consulted:

   The position(s) of the bargaining unit(s): ___ Neutral ___ Support ___ Oppose (Please specify why)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper ___ Notice posted at each school _X_ Other: (Please specify) Notice Posted at District Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Parent Advisory Council

   Date the committee/council reviewed the waiver request: May 10, 2011

   Were there any objection(s)? No _X__ Yes ___ (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

   School Accountability Report Card
   Apply for waiver under CCR-Title 5 Section 11960 (a), to allow the Charter school attendance to be calculated as a regular multi track school.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   This Waiver is being requested because this Charter School proposes to operate a multi-track year round education calendar, with no more than 5 tracks. As a result, the number of days this school is actually teaching per year is 240. However, each track of students will be offered school for a minimum of 175 days of instruction and no track will have fewer than 55% of its school days prior to April 15th. Therefore the waiver is requested to separately calculate ADA in each track (rather than the school as a whole) by method set forth in CCR Title 5 Section 11960 (a) and then total the resulting figures. This is the same method required for non-charter schools that operate on a multi-track year round calendar. The reason for operating a multi-track calendar is our school is an ASAM school and our student population is comprised of mainly at-risk students who will benefit for a year round calendar which helps them catch up academically to ensure they get back on the road to earning a high school diploma.

8. Demographic Information:

   Diego Hills Public Charter, Inc. has a student population of 523 and is located in the city of San Diego in San Diego County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  No ☒  Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒  Yes ☐
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: Title: Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print): Staff Signature: Date:

Unit Manager (type or print): Unit Manager Signature: Date:

Division Director (type or print): Division Director Signature: Date:

Deputy (type or print): Deputy Signature: Date:
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 11-30-10) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency: Palmdale Elementary School District on behalf of Antelope Valley Learning Academy, Inc.

Contact name and Title: District: Roger Gallizzi, Superintendent School: Gloria Fortune, Sr. VP, Education

Contact person’s e-mail address: rdgallizzi@palmdalesd.org gfortine@learn4life.org

Address: (City) (State) (ZIP)
District: 39139 10th St. East, Palmdale, CA 93550-3419
School: 1601 East Palmdale Boulevard, Suite C, Palmdale, CA 93550

Phone (and extension, if necessary):
District: (661) 947-7191
School: (661) 266-2044
School Fax: (661) 224-2035

Period of request: (month/day/year)
From: 7/1/2011 To: 6/30/13

Local board approval date: (Required)
May 17, 2011

Date of public hearing: (Required)
May 11, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Circle One: EC or CCR
11960(a)

Topic of the waiver: Multi Track School

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _No__ and date of SBE Approval____

3. Collective bargaining unit information. Does the district have any employee bargaining units? _X_ No ___ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):
Name of bargaining unit and representative(s) consulted:

The position(s) of the bargaining unit(s): ___ Neutral ___ Support ___ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?
___ Notice in a newspaper ___ Notice posted at each school _X_ Other: (Please specify) Notice Posted at District Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
Superintendent's Advisory Committee

Date the committee/council reviewed the waiver request: May 11, 2011

Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify)

CD CODE

0 1 1 2 7 1 4

7-1-2012
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

   35256. School Accountability Report Card

   Apply for waiver under CCR-Title 5 Section 11960 (a), to allow the Charter school attendance to be calculated as a regular multi track school.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   This Waiver is being requested because this Charter School proposes to operate a multi-track year round education calendar, with no more than 5 tracks. As a result, the number of days this school is actually teaching per year is 240. However, each track of students will be offered school for a minimum of 175 days of instruction and no track will have fewer than 55% of its school days prior to April 15th. Therefore the waiver is requested to separately calculate ADA in each track (rather than the school as a whole) by method set forth in CCR Title 5 Section 11960 (a) and then total the resulting figures. This is the same method required for non-charter schools that operate on a multi-track year round calendar. The reason for operating a multi-track calendar is our school will be moving to an ASAM school and our student population will be comprised of mainly at-risk students who will benefit for a year round calendar which helps them catch up academically to ensure they get back on the road to earning a high school diploma.

8. Demographic Information:

   Antelope Valley Learning Academy, Inc. has a student population of 176 and is located in the city of Palmdale in Los Angeles County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue?  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:  
Title:  
Date:

---

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print):  
Staff Signature:  
Date:

Unit Manager (type or print):  
Unit Manager Signature:  
Date:

Division Director (type or print):  
Division Director Signature:  
Date:

Deputy (type or print):  
Deputy Signature:  
Date:
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 11-30-10)  http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency:
Stone Corral Elementary School District on behalf of
Crescent Valley Public Charter

Contact name and Title:
District: Christopher Kemper, Supt.
School: Gloria Fortine, Sr. VP Education

Contact person's e-mail:
ckemper@stone-coral.k12.ca.us
gfortine@learn4life.org

Address: (City) (State) (ZIP)
District: 15590 Avenue 383, Visalia, CA 93292
School: 309 West Main Street, Suite 110, Visalia, CA 93291

Phone (and extension, if necessary):
District: (559) 528-4455
School: (559) 970-5894
School Fax: (550) 243-9102

Period of request: (month/day/year)
From: 7/1/2011 To: 6/30/13
Local board approval date: (Required)
May 17, 2011
Date of public hearing: (Required)
May 12, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Circle One: EC or CCR 11960(a)

Topic of the waiver: Multi Track School

2. If this is a renewal of a previously approved waiver, please list Waiver Number: No and date of SBE Approval

3. Collective bargaining unit information. Does the district have any employee bargaining units? X No __ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):

Name of bargaining unit and representative(s) consulted:

The position(s) of the bargaining unit(s): __ Neutral __ Support __ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

____ Notice in a newspaper ____ Notice posted at each school X Other: (Please specify) Notice Posted at District Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
School Site Council/ELAC

Date the committee/council reviewed the waiver request: May 12, 2011

Were there any objection(s)? No X Yes __ (If there were objections please specify)
6. **Education Code** or **California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a *strike out key*).

   35256. School Accountability Report Card

   Apply for waiver under CCR-Title 5 Section 11960 (a), to allow the Charter school attendance to be calculated as a regular multi track school.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   This Waiver is being requested because this Charter School proposes to operate a multi-track year round education calendar, with no more than 5 tracks. As a result, the number of days this school is actually teaching per year is 240. However, each track of students will be offered school for a minimum of 175 days of instruction and no track will have fewer than 55% of its school days prior to April 15th. Therefore the waiver is requested to separately calculate ADA in each track (rather than the school as a whole) by method set forth in CCR Title 5 Section 11960 (a) and then total the resulting figures. This is the same method required for non-charter schools that operate on a multi-track year round calendar. The reason for operating a multi-track calendar is our school is an ASAM school and our student population is comprised of mainly at-risk students who will benefit for a year round calendar which helps them catch up academically to ensure they get back on the road to earning a high school diploma.

8. Demographic Information:

   Crescent Valley Public Charter has a student population of 204 and is located in the city of Visalia in Tulare County.

---

Is this waiver associated with an apportionment related audit penalty? (per **EC** 41344)  
No ☒ Yes ☐

(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:   Title:   Date:

---

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name (type or print):   Staff Signature:   Date:

Unit Manager (type or print):   Unit Manager Signature:   Date:

Division Director (type or print):   Division Director Signature:   Date:

Deputy (type or print):   Deputy Signature:   Date:
9-1-2012

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 11-30-10)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  X
Renewal Waiver:  ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency:
Westside Elementary School District on behalf of
Crescent View South, Inc.

Contact name and Title:
District: Baldomero Hernandez, Supt.
School: Dante R. Simi, CEO

Contact person’s e-mail address:
Baldo945@aol.com
dsimi@learn4life.org

Address:  (City)  (State)  (ZIP)
District: 19191 Excelsior Ave., Five Points, CA 93624
School: 1901 East Shields Avenue, Suite 169, Fresno, CA 93726

Phone (and extension, if necessary):
District: (559) 884-2494
School: (559) 222-8439
School Fax: (559) 222-8430

Period of request:  (month/day/year)
From:  7/1/2011 To: 6/30/13

Legal Criteria

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):

   Circle One:  EC  or  CCR

   11960(a)

   Topic of the waiver:  Multi Track School

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  No__ and date of SBE Approval___

3. Collective bargaining unit information. Does the district have any employee bargaining units?  X  No  _  Yes  If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):

   Name of bargaining unit and representative(s) consulted:

   The position(s) of the bargaining unit(s):  Neutral  Support  Oppose (Please specify why)

   Comments (if appropriate):

4. Public hearing requirement:  A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper  ___ Notice posted at each school  X_ Other: (Please specify) Notice Posted at District Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  School Site Council/ELAC

   Date the committee/council reviewed the waiver request: May 18, 2011

   Were there any objection(s)?  No  X  Yes  (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

35256. School Accountability Report Card

Apply for waiver under CCR-Title 5 Section 11960 (a), to allow the Charter school attendance to be calculated as a regular multi track school.

7. **Desired outcome/rationale.** Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

This Waiver is being requested because this Charter School proposes to operate a multi-track year round education calendar, with no more than 5 tracks. As a result, the number of days this school is actually teaching per year is 240. However, each track of students will be offered school for a minimum of 175 days of instruction and no track will have fewer than 55% of its school days prior to April 15th. Therefore the waiver is requested to separately calculate ADA in each track (rather than the school as a whole) by method set forth in CCR Title 5 Section 11960 (a) and then total the resulting figures. This is the same method required for non-charter schools that operate on a multi-track year round calendar. The reason for operating a multi-track calendar is our school is an ASAM school and our student population is comprised of mainly at-risk students who will benefit for a year round calendar which helps them catch up academically to ensure they get back on the road to earning a high school diploma.

8. **Demographic Information:**

Crescent View South, Inc. has a student population of 606 and is located in the city of Fresno in Fresno County.

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**Is this waiver associated with an apportionment related audit penalty?** (per **EC 41344**)  
No ☐ Yes ☑

*(If yes, please attach explanation or copy of audit finding)*

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?**  
No ☐ Yes ☑

*(If yes, please attach explanation or copy of **CPM** finding)*

---

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

<table>
<thead>
<tr>
<th>Staff Name (type or print):</th>
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<td>Unit Manager (type or print):</td>
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<td>Deputy (type or print):</td>
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**CALIFORNIA DEPARTMENT OF EDUCATION**  
**GENERAL WAIVER REQUEST**  
GW-1 (Rev. 11-30-10) http://www.cde.ca.gov/re/lr/wr/  

**First Time Waiver: ** X  
**Renewal Waiver:** ___

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

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### CD CODE

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**Local educational agency:**  
Antelope Valley Union High School District **on behalf** of Desert Sands Public Charter, Inc.

**Address:**  
District: 44811 N. Sierra Hwy., Lancaster, CA 93534-3226  
School: 701 West Avenue K, Suite 126, Lancaster, CA 93534

**Contact name and Title:**  
District: David J. Vierra, Superintendent  
School: Dante R. Simi, CFO

**Contact person’s e-mail address:**  
dvierra@avhsd.org  
dsimi@learn4life.org

**Phone (and extension, if necessary):**  
District: (661) 948-7655  
School: (661) 272-1225  
School Fax: (661) 945-2430

### LEGAL CRITERIA

1. **Under the general waiver authority of Education Code 33050-33053,** the particular **Education Code or California Code of Regulations** section(s) to be waived (number): Circle One: **EC** or **CCR**  

   11960(a)  

   **Topic of the waiver:** **Multi Track School**

2. **If this is a renewal of a previously approved waiver, please list Waiver Number:** No and date of SBE Approval

3. **Collective bargaining unit information. Does the district have any employee bargaining units?**  
   - X No  
   - Yes  
   If yes, please complete required information below:

   - **Bargaining unit(s) consulted on date(s):**

   - **Name of bargaining unit and representative(s) consulted:**

   - **The position(s) of the bargaining unit(s):**  
     - Neutral  
     - Support  
     - Oppose (Please specify why)

   - **Comments (if appropriate):**

4. **Public hearing requirement:** A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   - **How was the required public hearing advertised?**

   - X Notice in a newspaper  
   - Notice posted at each school  
   - Notice Posted at District Office

5. **Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:**

   - Parent Advisory Committee

   - **Date the committee/council reviewed the waiver request:** June 15, 2011

   - **Were there any objection(s)?**  
     - X No  
     - Yes  
     (If there were objections please specify)
6. **Education Code** or **California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   **School Accountability Report Card**
   Apply for waiver under CCR-Title 5 Section 11960 (a), to allow the Charter school attendance to be calculated as a regular multi track school.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   This Waiver is being requested because this Charter School proposes to operate a multi-track year round education calendar, with no more than 5 tracks. As a result, the number of days this school is actually teaching per year is 240. However, each track of students will be offered school for a minimum of 175 days of instruction and no track will have fewer than 55% of its school days prior to April 15th. Therefore the waiver is requested to separately calculate ADA in each track (rather than the school as a whole) by method set forth in CCR Title 5 Section 11960 (a) and then total the resulting figures. This is the same method required for non-charter schools that operate on a multi-track year round calendar. The reason for operating a multi-track calendar is our school is an ASAM school and our student population is comprised of mainly at-risk students who will benefit for a year round calendar which helps them catch up academically to ensure they get back on the road to earning a high school diploma.

8. Demographic Information:

   Desert Sands Public Charter, Inc. has a student population of 2,926 and is located in the city of Lancaster in Los Angeles County.

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<table>
<thead>
<tr>
<th><strong>Is this waiver associated with an apportionment related audit penalty?</strong> (per EC 41344)</th>
</tr>
</thead>
<tbody>
<tr>
<td>**No ☒</td>
</tr>
</tbody>
</table>

(If yes, please attach explanation or copy of audit finding)

<table>
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<tr>
<th><strong>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>**No ☒</td>
</tr>
</tbody>
</table>

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

**Signature of Superintendent or Designee:**

**Title:**

**Date:**

---

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

**Staff Name (type or print):**

**Staff Signature:**

**Date:**

**Unit Manager (type or print):**

**Unit Manager Signature:**

**Date:**

**Division Director (type or print):**

**Division Director Signature:**

**Date:**

**Deputy (type or print):**

**Deputy Signature:**

**Date:**
**CALIFORNIA DEPARTMENT OF EDUCATION**  
**GENERAL WAIVER REQUEST**

GW-1 (Rev. 11-30-10) [http://www.cde.ca.gov/re/lr/wr/](http://www.cde.ca.gov/re/lr/wr/)

**First Time Waiver: _X_**  
Renewal Waiver: ___

**Send Original plus one copy to:**  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

**Send Electronic copy in Word** and  
back-up material to: waiver@cde.ca.gov

---

### CD CODE

<table>
<thead>
<tr>
<th>Local educational agency:</th>
<th>Contact name and Title:</th>
<th>Contact person’s e-mail address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Julian Union Elementary School District on behalf of Diego Valley Public Charter</td>
<td>District: Kevin Ogden, Superintendent School: Skip Hansen, Sr. Vice President</td>
<td><a href="mailto:kogden@sdcoe.net">kogden@sdcoe.net</a> <a href="mailto:shansen@learn4life.org">shansen@learn4life.org</a></td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Address:</th>
<th>(City)</th>
<th>(State)</th>
<th>(ZIP)</th>
<th>Phone (and extension, if necessary):</th>
</tr>
</thead>
<tbody>
<tr>
<td>District: 1704 Cape Horn, Julian, CA 92036 School: 237 East Main Street, El Cajon, CA 92020</td>
<td></td>
<td></td>
<td>District: (760) 765-0661 School: (619) 286-1312</td>
<td></td>
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<tr>
<th>Period of request:</th>
<th>Local board approval date:</th>
<th>Date of public hearing:</th>
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</thead>
<tbody>
<tr>
<td>From: 7/1/2012 To: 6/30/13</td>
<td>May 11, 2011</td>
<td>5/10/2011</td>
</tr>
</tbody>
</table>

### LEGAL CRITERIA

1. Under the general waiver authority of **Education Code** 33050-33053, the particular **Education Code** or **California Code of Regulations** section(s) to be waived (number): Circle One: **EC** or **CCR** 11960(a)

   **Topic of the waiver:** Multi Track School

2. If this is a renewal of a previously approved waiver, please list Waiver Number: ____ and date of SBE Approval_____

3. Collective bargaining unit information. Does the district have any employee bargaining units? _X_ No ___ Yes  
If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):**

   **Name of bargaining unit and representative(s) consulted:**

   **The position(s) of the bargaining unit(s):** _X_ Neutral ___ Support ___ Oppose (Please specify why)

   **Comments (if appropriate):**

4. **Public hearing requirement:** A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   **How was the required public hearing advertised?**

   ___ Notice in a newspaper   ___ Notice posted at each school   _X_ Other: (Please specify) Notice Posted at District Office

5. **Advisory committee or school site councils.** Please identify the council(s) or committee that reviewed this waiver:

   Parent Advisory Council

   **Date the committee/council reviewed the waiver request:** May 10, 2011

   **Were there any objection(s)?** No _X_ Yes ___ (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Apply for waiver under CCR-Title 5 Section 11960 (a), to allow the Charter school attendance to be calculated as a regular multi track school.

35256. School Accountability Report Card

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

This Waiver is being requested because this Charter School proposes to operate a multi-track year round education calendar, with no more than 5 tracks. As a result, the number of days this school is actually teaching per year is 240. However, each track of students will be offered school for a minimum of 175 days of instruction and no track will have fewer than 55% of its school days prior to April 15th. Therefore the waiver is requested to separately calculate ADA in each track (rather than the school as a whole) by method set forth in CCR Title 5 Section 11960 (a) and then total the resulting figures. This is the same method required for non-charter schools that operate on a multi-track year round calendar. The reason for operating a multi-track calendar is our school is an ASAM school and our student population is comprised of mainly at-risk students who will benefit for a year round calendar which helps them catch up academically to ensure they get back on the road to earning a high school diploma.

8. Demographic Information:

Diego Valley Public Charter has a student population of 215 and is located in the city of El Cajon in San Diego County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No ☒ Yes ☐

(If yes, please attach explanation or copy of audit findings)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐

(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: Title: Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print): Staff Signature: Date:

Unit Manager (type or print): Unit Manager Signature: Date:

Division Director (type or print): Division Director Signature: Date:

Deputy (type or print): Deputy Signature: Date:
General Waiver Request

First Time Waiver: **X**
Renewal Waiver: **__**

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

Local educational agency:
Ventura County Office of Education on behalf of
Vista Real Public Charter, Inc.

Contact name and Title:
COE: Stanley Mantooth, Superintendent
School: Gloria Fortine, Sr. VP Education

Contact person’s e-mail address:
mantooth@vcoe.org
ofortine@learn4life.org

Address: (City) (State) (ZIP)
COE: 5189 Verdugo Way, Camarillo, CA 93012-8603
School: 401 South A Street, Suite 3, Oxnard, CA 93030

Phone (and extension, if necessary):
COE: (805) 383-1902
School: (805) 486-5449
School Fax: (805) 486-5445

Period of request: (month/day/year)
From: 7/1/2011 To: 6/29/13
Local board approval date: (Required)
August 22, 2011
Date of public hearing: (Required)
May 12, 2011

Legal Criteria

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):
   Circle One: **EC** or **CCR**

   **11960(a)**

   Topic of the waiver: Multi Track School

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **No** and date of SBE Approval:

3. Collective bargaining unit information. Does the district have any employee bargaining units? **X** No __ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):

   Name of bargaining unit and representative(s) consulted:

   The position(s) of the bargaining unit(s): __ Neutral __ Support __ Oppose (Please specify why)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper   ___ Notice posted at each school   **X** Other: (Please specify) Notice Posted at County Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   School Advisory Committee

   Date the committee/council reviewed the waiver request: May 12, 2011

   Were there any objection(s)? No **X** Yes ___ (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**). 35256. School Accountability Report Card  
Apply for waiver under CCR-Title 5 Section 11960 (a), to allow the Charter school attendance to be calculated as a regular multi track school.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.  
This Waiver is being requested because this Charter School proposes to operate a multi-track year round education calendar, with no more than 5 tracks. As a result, the number of days this school is actually teaching per year is 240. However, each track of students will be offered school for a minimum of 175 days of instruction and no track will have fewer than 55% of its school days prior to April 15th. Therefore the waiver is requested to separately calculate ADA in each track (rather than the school as a whole) by method set forth in CCR Title 5 Section 11960 (a) and then total the resulting figures. This is the same method required for non-charter schools that operate on a multi-track year round calendar. The reason for operating a multi-track calendar is our school is an ASAM school and our student population is comprised of mainly at-risk students who will benefit for a year round calendar which helps them catch up academically to ensure they get back on the road to earning a high school diploma.

8. Demographic Information:  
Vista Real Public Charter, Inc. has a student population of 912 and is located in the city of Oxnard in Ventura County.

---

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**  
No ☐ Yes ☐  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?**  
No ☒ Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

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<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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General Waiver

SUBJECT
Request by 17 local educational agencies to waive California Education Code Section 48352(a) and California Code of Regulations Title 5, Section 4701 to remove their schools from the Open Enrollment List of “low-achieving schools” for the 2012–13 school year.
Waiver Number: List of schools attached

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends approval of 17 waiver requests (Attachments 2 through 18). All of the local educational agencies meet the criteria for the State Board of Education (SBE) Streamlined Waiver Policy (available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc). These waivers would allow the schools to have their names removed from the Open Enrollment List as requested. These waivers would not affect the standing of any other school, as each of these waivers is specific to each named school. These waivers are for the 2012–13 list only. Districts granted this waiver must honor any requests from students to transfer out of these schools pursuant to the Open Enrollment Act.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The Open Enrollment Act, SBX5 4 (Romero), was signed into law on January 7, 2010, and became effective on April 14, 2010. The Open Enrollment Act provides students enrolled in one of the 1,000 “low-achieving schools,” the option to enroll in a different school with a higher Academic Performance Index (API) than the pupil’s school of residence.

In October 2010, based on the 2010 growth API, districts were notified of their schools that were on the Open Enrollment List for the 2011–12 school year. Also, in October 2010, permanent regulations were submitted to the Office of Administrative Law with approval as of January 1, 2011. In November of 2011, based on the 2011 growth API, districts were notified of their schools that were placed on the Open Enrollment List for the 2012–13 school year.

To date, the SBE has declined to hear waivers requesting removal from any of the posted Open Enrollment Lists. Therefore, per California Education Code (EC) Section 33052(a), past waivers requested were approved by default.
SUMMARY OF KEY ISSUES

All of the districts are requesting, on behalf of their listed schools, a waiver of EC Section 48352(a) and California Code of Regulations, Title 5, Section 4701, which references EC Section 48352. The pertinent text is listed below:

EC 48352(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008–09 school year.

(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.

(B) Court, community, or community day schools shall not be included on the list.

(C) Charter schools shall not be included on the list.

The 10 percent limitation per district in statute, coupled with other criteria for determining the 1,000 schools, has created the possibility, that fairly high-achieving schools may be on the list of 1,000 Open Enrollment (low-achieving) schools. The statewide API goal is 800, and of the 1,000 schools on the 2012–13 Open Enrollment List, 14 schools (1.4 percent) have APIs ranging from 800–802. Two hundred fifty-three schools (25.3 percent) have APIs ranging from 750–799. Another 281 schools (28.1 percent) on the list have APIs ranging from 700–749. Of the 1,000 low-achieving schools for the 2012–13 school year 593, or 59.3 percent, have APIs of 700 or over. The lowest 2011 growth API of the schools for whom a waiver is requested is 747.

The methodology used in creating the list of the 1,000 lowest achieving schools per the statute resulted in some higher achieving schools being placed on the list while at the same time some schools with lower APIs were not included on the list. This was primarily due to the statutory provision that a district could have no more than 10 percent of its schools on the list.

Identification as a low-achieving school can have a significant educational, economic, and political impact on the school community of the affected school. The label of "low-achieving" does not take into account the API scores for schools whose scores have been rising or being maintained nearer to the higher levels of achievement. The perception of the communities of these schools that the school is low-achieving may cause unwarranted flight from the school community and may negatively impact school bond issues.

SUMMARY OF KEY ISSUES (Cont.)
In summary, the criteria for developing the list of the 1,000 lowest achieving schools have contributed to consequences, which appear to be contrary to the intent of the law, specifically, to provide more options for parents at low-achieving schools. All of the schools for whom waivers are requested have a 2011 growth API of more than 700, and therefore, each of the school’s performance appears to be approaching or has already surpassed the statewide goal of 800.

Attachment 1 comprises the list of schools, along with achievement data, including past and current APIs, Adequate Yearly Progress (AYP), subgroup information, Program Improvement (PI) status, and Streamline Waiver Policy data.

The CDE recommends approval of all 17 waivers requested (Attachments 2 through 18). These waivers would allow for the removal of each named school from the Open Enrollment List as requested. These waivers would not affect the standing of any other school, as each waiver is specific to each named school.

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).

EC 33051(a) The State Board of Education shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following:

1. The educational needs of the pupils are not adequately addressed.
2. The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request.
3. The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees.
4. Pupil or school personnel protections are jeopardized.
5. Guarantees of parental involvement are jeopardized.
6. The request would substantially increase state costs.
7. The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Demographic Information: See each waiver request.

Authority for Waiver: EC Section 33050

Period of request: See Attachment 1.

Period of recommendation: See Attachment 1.

Local board approval date(s): See each waiver request.

Public hearing held on date(s): See each waiver request.
SUMMARY OF KEY ISSUES (Cont.)

Bargaining unit(s) consulted on date(s): See each waiver request.

Public hearing advertised by (choose one or more): See each waiver request.

Advisory committee(s) consulted: See each waiver request.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: List of Schools and Streamlined Waiver Policy Data (2 pages).

Attachment 2: General Waiver Request from Capistrano Unified School District (5 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 3: General Waiver Request from Capistrano Unified School District (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: General Waiver Request from Capistrano Unified School District (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: General Waiver Request from Capistrano Unified School District (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: General Waiver Request from Clovis Unified School District (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: General Waiver Request from Clovis Unified School District (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: General Waiver Request from Glendale Unified School District (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: General Waiver Request from Glendale Unified School District (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: General Waiver Request from Goleta Union Elementary School District (4 pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 11: General Waiver Request from Pollock Pines Elementary School District (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 12: General Waiver Request from Redlands Unified School District (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: General Waiver Request from Redlands Unified School District (3 pages) (Original waiver request is signed and on file in Waiver Office.)

Attachment 14: General Waiver Request from Saugus Union School District (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 15: General Waiver Request from Torrance Unified School District (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 16: General Waiver Request from Tustin Unified School District (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 17: General Waiver Request from Tustin Unified School District (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 18: General Waiver Request from Tustin Unified School District (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
<table>
<thead>
<tr>
<th>County</th>
<th>District</th>
<th>School</th>
<th>2009 Growth API</th>
<th>Met 2009 AYP? (Yes/No) and Subgroups Not Met (If Any)</th>
<th>2010 Base</th>
<th>Decile, Similar Schools Ranking</th>
<th>Met 2010 AYP? (Yes/No) and Subgroups Not Met (If Any)</th>
<th>2011 Growth API</th>
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<th>Program Improvement</th>
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<td>760</td>
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<td>775</td>
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A-Asian
B-Black
C- means this is a special education school. Statewide and similar schools ranks are not applicable to special education schools.
EL-English Learners
Hispanic or Latino
SD-Students with Disabilities
SED-Socioeconomically Disadvantaged
SW-Schoolwide
W- White
**CALIFORNIA DEPARTMENT OF EDUCATION**  
**GENERAL WAIVER REQUEST**  
GW-1 (Rev. 10-2-09)  
http://www.cde.ca.gov/re/lr/wr/

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**First Time Waiver:** __  
**Renewal Waiver:** X

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Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

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**Local educational agency:**  
Capistrano Unified School District on behalf of Kinoshita Elementary School  
Contact name and Title: Julie Hatchel, Asst. Supt. Education  
Contact person’s e-mail address: jhatchel@capousd.org

**Address:**  
33122 Valle Road  
San Juan Capistrano, CA  92675

**Period of request:** (month/day/year)  
From: 7/1/12  
To: 6/29/13

**Local board approval date:** (Required)  
December 12, 2011

**Date of public hearing:** (Required)  
December 12, 2011

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**LEGAL CRITERIA**

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 48352  
Circle One: EC or CCR

**Topic of the waiver:** Open Enrollment Act

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 12-12-2010 and date of SBE Approval 4/21/11  
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes  
If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):** 11-15-11

   **Name of bargaining unit and representative(s) consulted:**  
   Capistrano Unified Education Association, Vicki Soderberg, President

   **The position(s) of the bargaining unit(s):** _ Neutral  
   X Support __ Oppose (*Please specify why*)

   **Comments (if appropriate):**

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   **How was the required public hearing advertised?**  
   _X_ Notice in a newspaper  
   _X_ Notice posted at each school  
   _X_ Other: (Please specify)Notification to community by website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: School Site Council  

   **Date the committee/council reviewed the waiver request:** 11-30-11

   **Were there any objection(s)?** No _X_ Yes  
   (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

48352. For purposes of this article, the following definitions apply:

(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

   1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.

   2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

   A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.

   B) Court, community, or community day schools shall not be included on the list.

   C) Charter schools shall not be included on the list.

(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.

(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

---

**Title 5 CCR 4701. Identification of Open Enrollment Schools.**

a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only “10 percent” of a local educational agency’s (LEA’s) schools pursuant to the following methodology:

1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;

2) the list of 1,000 schools shall exclude the following:

   A) schools that are court, community, or community day schools;

   B) schools that are charter schools;

   C) schools that are closed; and

   D) schools that have fewer than 100 valid test scores.

3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA’s schools shall be rounded up to the next whole number; and

4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools:

   1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Approval of this waiver will minimize disruption to the educational program and recognize the 71 point API growth at Kinoshita Elementary School within the past four years. In 2008, Kinoshita had an API score of 704. In 2009, Kinoshita had a 50 point increase resulting in an API score of 754. Kinoshita made their AYP targets in 2009 and exited Program Improvement under NCLB. Students at Kinoshita have shown continued growth and the school’s 2010 API score was 760, and the current 2011 API score is 775. There are 1,515 eligible schools with an API lower than 775.

The Romero Bill “failing school” designation does not match the reality of this achieving school.

8. Demographic Information:
Kinoshita Elementary School has a student population of 661 and is located in a suburban area in San Juan Capistrano, Orange County. Specific demographic information regarding tested subgroups is attached.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  
No ☐  Yes ☐

(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue?  
No ☒  Yes ☐

(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

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CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/
First Time Waiver:  X
Renewal Waiver:  ___
Send Original plus one copy to:  Send Electronic copy in Word and
Waiver Office, California Department of Education  back-up material to: waiver@cde.ca.gov
1430 N Street, Suite 5602  
Sacramento, CA 95814

Local educational agency:  Capistrano Unified School District on behalf of Marblehead Elementary School  
Contact name and Title:  Julie Hatchel, Asst. Supt.  
Education  
Contact person's e-mail address:  jhatchel@capousd.org  
Address:  33122 Valle Road  
San Juan Capistrano, CA 92675  
Phone (and extension, if necessary):  (949) 234-9229  
Fax Number:  (949) 489-0467

Period of request:  (month/day/year)  
From:  7/1/12  To:  6/29/13  
Local board approval date:  (Required)  
December 12, 2011  
Date of public hearing:  (Required)  
December 12, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California
Code of Regulations section(s) to be waived (number): 48352  
Circle One: EC or CCR

Topic of the waiver: Open Enrollment Act

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  N/A  and date of SBE Approval_____  
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  No  _X_ Yes  If yes, 
please complete required information below:

Bargaining unit(s) consulted on date(s):  11-15-11  
Name of bargaining unit and representative(s) consulted:  Capistrano Unified Education Association, Vicki Soderberg,  
President  
The position(s) of the bargaining unit(s):  _X_ Support  _X_ Oppose (Please specify why)  
Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held 
during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does 
not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, 
date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal 
notice at each school and three public places in the district.

How was the required public hearing advertised?

_X_ Notice in a newspaper  _X_ Notice posted at each school  _X_ Other: (Please specify)Notification to community by website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request:  11-30-11  
Were there any objection(s)?  No  _X_ Yes  (If there were objections please specify)

CD CODE  3 0 6 6 4 6 4
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

48352. For purposes of this article, the following definitions apply:

(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:
   (1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.
   (2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:
      (A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.
      (B) Court, community, or community day schools shall not be included on the list.
      (C) Charter schools shall not be included on the list.
      (D) "Parent" means the natural or adoptive parent or guardian of a dependent child.
      (e) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.
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Title 5 CCR 4701. Identification of Open Enrollment Schools.

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(B) schools that are charter schools;
(C) schools that are closed; and
(D) schools that have fewer than 100 valid test scores.

3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and

(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Approval of this waiver will minimize disruption to the educational program. The percentage of students at Marblehead who qualify for free and reduced price meals has risen from 23% to 36% within the past four years. Despite this increase in poverty, Marblehead staff is committed to an outstanding educational program. The API score for 2011 is 805, which is five points above the state benchmark of 800. There are 2,291 eligible schools with an API lower than 805.

The Romero Bill “failing school” designation does not match the reality of this school.

8. Demographic Information:
Marblehead Elementary School has a student population of 577 and is located in a suburban area in San Clemente, Orange County. Specific demographic information regarding tested subgroups is attached.

| Is this waiver associated with an apportionment related audit penalty? (per EC 41344) | No ☐ Yes ☐ |
| (If yes, please attach explanation or copy of audit finding) |

| Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☐ Yes ☐ |
| (If yes, please attach explanation or copy of CPM finding) |

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

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## GENERAL WAIVER REQUEST

**First Time Waiver:** ___  
**Renewal Waiver:** X

Send Original plus one copy to: Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

### Local educational agency:

Capistrano Unified School District on behalf of San Juan Elementary School

### Contact name and Title:

Julie Hatchel, Asst. Supt. Education

### Contact person’s e-mail address:

jhatchel@capousd.org

### Address:

33122 Valle Road  
San Juan Capistrano, CA 92675

### Phone (and extension, if necessary):

(949) 234-9229

### Fax Number:

(949) 489-0467

### Period of request: (month/day/year)

From: 7/1/12  
To: 6/29/13

### Local board approval date: (Required)

December 12, 2011

### Date of public hearing: (Required)

December 12, 2011

### LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 48352  
   Circle One: EC or CCR

   Topic of the waiver: Open Enrollment Act

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 13-12-2010 and date of SBE Approval 4/21/11.  
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes  
   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 11-15-11

   Name of bargaining unit and representative(s) consulted: Capistrano Unified Education Association, Vicki Soderberg, President

   The position(s) of the bargaining unit(s): _ _ Neutral  _X_ Support _ _ Oppose (Please specify why)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X_ Notice in a newspaper  _X_ Notice posted at each school  _X_ Other: Notification to community by website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: School Site Council

   Date the committee/council reviewed the waiver request: 12-5-11

   Were there any objection(s)? No _X_ Yes  
   (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

48352. For purposes of this article, the following definitions apply:
   (a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:
      (1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.
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7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Approval of this waiver will minimize disruption to the educational program and recognize the 96 point API growth at San Juan within the past three years. In 2010, San Juan had an API growth score of 752 and was recognized for having the highest API growth among traditional elementary schools in Orange County. In 2011, the school increased their API by an additional 30 points and how has a score of 782. There are 1,705 eligible schools with an API lower than 782. San Juan is a dual immersion Spanish language academy where Language Arts is not formally taught in English until 2nd grade. Second grade students are tested in English on the CSTs, however their primary instruction in Kindergarten and 1st grade is in Spanish.

Although San Juan is a Program Improvement School under ESEA/NCLB, parents from outside of the attendance area apply to have their children attend the highly desirable dual immersion program. This school continues to excel in all areas of language and math achievement. The Romero Bill “failing school” designation does not match the reality of this unique school.

8. Demographic Information:
San Juan Elementary School has a student population of 721 and is located in a suburban area in San Juan Capistrano, Orange County. Specific demographic information regarding tested subgroups is attached.

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<th>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</th>
<th>No ☒ Yes ☐</th>
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**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

| Signature of Superintendent or Designee: | Title: Superintendent | Date: |

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| Deputy (type or print): | Deputy Signature: | Date: |
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___ Renewal Waiver: X

Send Original plus one copy to: Send Electronic copy in Word and
Waiver Office, California Department of Education back-up material to: waiver@cde.ca.gov
1430 N Street, Suite 5602
Sacramento, CA 95814

Local educational agency: Capistrano Unified School District on behalf of Viejo Elementary School
Contact name and Title: Julie Hatchel, Asst. Supt. Education
Contact person’s e-mail address: jhatchel@capousd.org
Address: 33122 Valle Road San Juan Capistrano, CA 92675
Period of request: (month/day/year) From: 7/1/12 To: 6/29/13
Local board approval date: (Required) December 12, 2011
Date of public hearing: (Required) December 12, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular education code or California Code of Regulations section(s) to be waived (number): 48352
   Circle One: EC or CCR
   Topic of the waiver: Open Enrollment Act

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 14-12-2010 and date of SBE Approval 4/21/11
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3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:
   Bargaining unit(s) consulted on date(s): 11-15-11
   Name of bargaining unit and representative(s) consulted: Capistrano Unified Education Association, Vicki Soderberg, President
   The position(s) of the bargaining unit(s): __ Neutral _X_Support __ Oppose (Please specify why)
   Comments (if appropriate):

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   (2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:
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      (B) Court, community, or community day schools shall not be included on the list.
      (C) Charter schools shall not be included on the list.
   (b) "Parent" means the natural or adoptive parent or guardian of a dependent child.
   (c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.
   (d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Title 5 CCR 4701. Identification of Open Enrollment Schools.

a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only "10 percent" of a local educational agency's (LEA's) schools pursuant to the following methodology:

(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;
(2) the list of 1,000 schools shall exclude the following:
   (A) schools that are court, community, or community day schools;
   (B) schools that are charter schools;
   (C) schools that are closed; and
   (D) schools that have fewer than 100 valid test scores.

3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and

(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Approval of this waiver will minimize disruption to the educational program and recognize the growth of Viejo students. In 2010, the API score was 774 and in 2011, Viejo made a growth of 13 points to 787, which is just 13 points away from the state’s benchmark of 800. There are 1,842 eligible schools with an API lower than 787. The percentage of students at Viejo who qualify for free or reduced price meals has risen from 47% to 68% within the past four years. Despite this increase in poverty, Viejo staff is committed to an outstanding educational program.

Although Viejo is a Program Improvement School under NCLB, parents from outside of the attendance area apply to have their children attend school at Viejo due to the highly desirable dual immersion program. The Romero Bill “failing school” designation does not match the reality of this special school.

8. Demographic Information:
Viejo Elementary School has a student population of 415 and is located in a suburban area in Mission Viejo, Orange County. Specific demographic information regarding tested subgroups is attached.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:  Title:  Date:
Superintendent

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print):  Staff Signature:  Date:

Unit Manager (type or print):  Unit Manager Signature:  Date:

Division Director (type or print):  Division Director Signature:  Date:

Deputy (type or print):  Deputy Signature:  Date:
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (Rev. 11-30-10) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_ Renewal Waiver: ___

Send Original plus one copy to: Send Electronic copy in Word and
Waiver Office, California Department of Education back-up material to: waiver@cde.ca.gov
1430 N Street, Suite 5602 Sacramento, CA 95814

Local educational agency: Contact name and Title: Contact person’s e-mail
Clovis Unified School District Michelle Steagall, Ed.D., Assoc. Super., address:
Curriculum & Instruction Support Services MichelleSteagall@cusd.com
Address: (City) (State) ZIP Phone (and extension, if necessary):
1450 Herndon Avenue, Clovis, California 93611-0599 (559) 327-9350
Local board approval date: (Required) Date of public hearing: (Required)

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California
   Code of Regulations section(s) to be waived (number): Circle One: EC or CCR

   Education Code 48352 & California Code of Regulation, title 5, section 4701

   Topic of the waiver: Removal of Pinedale Elementary School from 2011-12 and 2012-13 Open Enrollment Lists

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes,
   please complete required information below):

   Bargaining unit(s) consulted on date(s) December 9 & 14, 2011

   Name of bargaining unit and representative(s) consulted: CSEA -Doug Cornelius; Clovis Unified Business
   Support Services – Carole Johnson; Faculty Senate – Maurine Taylor.

   The position(s) of the bargaining unit(s): _X_ Support ___ Oppose (Please specify why)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held
during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does
not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time,
date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal
notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper ___ Notice posted at each school _X_ Other: (Please specify) Notice posted at three public places
   in the district; Notice sent to media; Notice posted at Pinedale Elementary site; Notice given to School Site Council members.

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   School Site Council for Pinedale Elementary

   Date the committee/council reviewed the waiver request: December 15, 2011

   Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify)
6. **Education Code** or **California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

**Education Code 48352.** For purposes of this article, the following definitions apply:

(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

-- (1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile in the 2008-09 school year.

-- (2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

-- (A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.

-- (B) Court, community, or community day schools shall not be included on the list.

-- (C) Charter schools shall not be included on the list.

(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.

(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200

**Title 5 CCR 4701. Identification of Open Enrollment Schools**

(a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only "10 percent" of a local educational agency's (LEA's) schools pursuant to the following methodology:

(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;

(2) the list of 1,000 schools shall exclude the following:

(A) schools that are court, community, or community day schools;

(B) schools that are charter schools;

(C) schools that are closed; and

(D) schools that have fewer than 100 valid test scores.

(3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole numbers; and

(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools; 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2012-13 school year, this pool shall be created by selecting all schools from the 2011 Base API file.
7. **Desired outcome/rationale.** Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Pinedale Elementary School earned a 2010 schoolwide API score of 764. The Growth Target for 2010-11 was 5. Pinedale students exceeded this goal more than 8 times over, with a growth of 43 points for 2010-11. The students earned a 2011 schoolwide API score of 807.

The State of California's statewide performance target is 800. Pinedale exceeded that statewide goal. Pinedale met its growth targets schoolwide, for all student groups, and for all targets.

There are approximately 5,019 elementary schools in the State of California. With an API score of 807, Pinedale Elementary ranks as number 2,582. This translates into Pinedale scoring better than almost half of all the elementary schools in the State.

Pinedale Elementary students have demonstrated extraordinary growth in their API score, have exceeded the State's goal of 800 and the School ranks better than almost half of all the elementary schools in the State.

In addition, the number of students scoring at a proficient level has increased every one of the last three years for all of Pinedale's significant subgroups: Hispanic, English Learners, Socioeconomically disadvantaged and Students with Disabilities:

<table>
<thead>
<tr>
<th>Pinedale Significant Sub Groups</th>
<th>2008-2009</th>
<th>2009-2010</th>
<th>2010-2011</th>
<th>Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Percentage Proficient</td>
<td>46.0</td>
<td>56.8</td>
<td>67.6</td>
<td>+1.9</td>
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<tr>
<td>Hispanic</td>
<td>46.9</td>
<td>47.4</td>
<td>48.8</td>
<td>+1.9</td>
</tr>
<tr>
<td>English Learners</td>
<td>31.8</td>
<td>36.0</td>
<td>44.3</td>
<td>+12.5</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>43.7</td>
<td>45.5</td>
<td>45.6</td>
<td>+10.9</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>45.5</td>
<td>41.7</td>
<td>53.2</td>
<td>+7.7</td>
</tr>
</tbody>
</table>

After demonstrating such success and exceeding the State's goals, it is not logical or reasonable to include Pinedale on a list of “low-performing” schools.

Including Pinedale on the list of low performing schools will negatively impact the morale of students. Being labeled as low performing after such extraordinary effort and results by the students will most certainly have a demoralizing effect on the students and result in a decrease in student performance.

Including Pinedale on the list of low performing schools will also cause disruption to the school sites and to the District related to the transfer of students. These disruptions will have a negative impact on the facilities and operations of the District as a whole.

8. **Demographic Information:**

(District/school/program) Clovis Unified School District has a student population of approximately 37,000 and includes urban and rural areas in Fresno County.

**Is this waiver associated with an apportionment related audit penalty?** (per EC 41344) ☒ No ☐ Yes

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.
<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michelle Stegall</td>
<td>Associate Superintendent</td>
<td>12/20/11</td>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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<th>Staff Name (type or print):</th>
<th>Staff Signature:</th>
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**CALIFORNIA DEPARTMENT OF EDUCATION**  
**GENERAL WAIVER REQUEST**  
GW-1 (Rev. 11-30-10)  
http://www.cde.ca.gov/re/lr/wr/  

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**First Time Waiver:** _X_  
**Renewal Waiver:** ___

**Local educational agency:** Clovis Unified School District  
**Contact name and Title:** Michelle Steagall, Ed.D., Assoc. Super., Curriculum & Instruction Support Services  
**Contact person’s e-mail address:** MichelleSteagall@cusd.com

<table>
<thead>
<tr>
<th>Address: 1450 Herndon Avenue, Clovis, California 93611-0599</th>
<th>(City)</th>
<th>(State)</th>
<th>(ZIP)</th>
<th>Phone (and extension, if necessary): (559) 327-9350</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Local board approval date:</strong> (Required)</td>
<td>12/14/11</td>
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<td><strong>Date of public hearing:</strong> (Required)</td>
<td>12/14/11</td>
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**Topic of the waiver:** Removal of Weldon Elementary School from 2012-13 Open Enrollment List

**LEGAL CRITERIA**

1. Under the general waiver authority of **Education Code** 33050-33053, the particular **Education Code or California Code of Regulations** section(s) to be waived (number):  
   Circle One: EC or CCR  
   **Education Code 48352 & California Code of Regulation, title 5, section 4701**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? _No _X Yes  
   If yes, please complete required information below:
   **Bargaining unit(s) consulted on date(s):** December 9 & 14, 2011
   **Name of bargaining unit and representative(s) consulted:** CSEA -Doug Cornelius; Clovis Unified Business Support Services – Carole Johnson; Faculty Senate – Maurine Taylor.
   **The position(s) of the bargaining unit(s):** _Neutral _X Support __ Oppose (Please specify why)
   **Comments (if appropriate):**

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.
   **How was the required public hearing advertised?**
   ___ Notice in a newspaper ___ Notice posted at each school _X_ Other: (Please specify)  
   Notice posted at three public places in the district; Notice sent to media; Notice posted at Weldon Elementary site; Notice given at School Site Council meeting.

5. **Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:**  
   School Site Council for Weldon Elementary  
   **Date the committee/council reviewed the waiver request:** December 6, 2011
   **Were there any objection(s)?** No _X_ Yes ___  
   (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a *strike out key*).

**Education Code 48352.** For purposes of this article, the following definitions apply:

(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

---

(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile in the 2008-09 school year.

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---

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**Title 5 CCR 4701. Identification of Open Enrollment Schools**

(a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only "10 percent" of a local educational agency’s (LEA’s) schools pursuant to the following methodology:

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(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools; 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2012-13 school year, this pool shall be created by selecting all schools from the 2011 Base API file.
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Weldon Elementary School earned a 2011 schoolwide API score of 811. The school’s score exceeds the State of California’s performance target of 800. Weldon also exceeded the State’s performance target in 2010 with a schoolwide API score of 817.

There are approximately 5,019 elementary schools in the State of California. With its API score of 811, Weldon Elementary ranks as number 2,482. This translates into Weldon scoring better than more than half of all the elementary schools in the State.

Many of Weldon’s subgroups have also demonstrated significant growth. For example, English Learners grew by 1.7%, Socioeconomically Disadvantaged students grew by .9%, White students grew by 2%, African American students by 15% and School-wide Weldon students grew 2%.

Weldon Elementary students have demonstrated extraordinary performance in their API scores, have exceeded the State’s performance targets for the last two years and the school ranks better than more than half of the elementary schools in the State.

In addition, Weldon Elementary earned the California State Title I Academic High Achievement Award in 2009.

After demonstrating such success and exceeding the State’s goals, it is not logical or reasonable to include Weldon on the list of “low-performing” schools.

Including Weldon on the list of low performing schools will negatively impact the morale of students. Being labeled as low performing after such extraordinary effort and results by the students will most certainly have a demoralizing effect on the students and result in a decrease in student performance.

Including Weldon on the list of low performing schools will also cause disruption to the school sites and to the District related to the transfer of students. These disruptions will have a negative impact on the facilities and operations of the District as a whole.

For all these reasons, Clovis Unified School District requests that Weldon Elementary School be removed from the 2012-13 Open Enrollment List.

8. Demographic Information:

(District/school/program) Clovis Unified School District has a student population of approximately 37,000 and includes urban and rural areas in Fresno County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No ☒ Yes ☐

(Is yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐

(Is yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: Title: Date:

Associate Superintendent 12/20/11
<table>
<thead>
<tr>
<th>Role</th>
<th>Signature</th>
<th>Date</th>
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<tbody>
<tr>
<td>Staff Name (type or print):</td>
<td>Staff Signature:</td>
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<td>Unit Manager (type or print):</td>
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**CALIFORNIA DEPARTMENT OF EDUCATION**  
**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)  
[http://www.cde.ca.gov/re/lr/wr/](http://www.cde.ca.gov/re/lr/wr/)

**First Time Waiver:** ✓
**Renewal Waiver:** ___

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in **Word** and  
back-up material to: waiver@cde.ca.gov

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**Legal Criteria**

1. Under the general waiver authority of **Education Code** 33050-33053, the particular **Education Code** or **California Code of Regulations** section(s) to be waived (number): 48352(a) and 5 CCR section 4701  
Circle One: **EC** or **CCR**  
**Topic of the waiver:** Removal from Open Enrollment (SBX5 4) list of 1,000 “low achieving” schools

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No ✓ Yes  
If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):**  
   11/28/11 - Glendale Teachers Association (GTA)  
   12/5/11 – California School Employees Association (CSEA) Chapter 3

   **Name of bargaining unit and representative(s) consulted:**  
   Tami Carlson, GTA President  
   Julie Niles, CSEA President

   **The position(s) of the bargaining unit(s):**  
   __ Neutral ✓ Support __ Oppose (Please specify why)
   GTA & CSEA

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   **How was the required public hearing advertised?**
   
   _X_ Notice in a newspaper  ___ Notice posted at each school  _X_ Other: (Please specify) Posted in public locations

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
Franklin School Site Council

   **Date the committee/council reviewed the waiver request:** 12/15/2011

   **Were there any objection(s)?**  
   No _X_ Yes ___ (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

48352. For purposes of this article, the following definitions apply:

   — (a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

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And 5 CCR section 4701

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Benjamin Franklin Elementary School was identified as an “Open Enrollment” school by the State for the 2011/2012 school year based on the regulations to implement SBX4 4 (Romero). This “Race to the Top” bill allows transfer of students by their parents from “low achieving” schools to schools with higher API scores. The Glendale Unified School District takes the position that the methodology used to define a low achieving school for open enrollment is flawed and punitive. Benjamin Franklin Elementary School has a 2011 Growth API of 777. Since 2000 Franklin has increased its API score by 101 points, was named a California Distinguished School in 2010, and became an International Foreign Language Academy Magnet School in 2010 which made it a school of choice for parents from all schools in the District and many from neighboring Districts. All Franklin parents had to complete an application for their student(s) to attend Franklin and students were selected using a random student selection process. Franklin has growing Dual Immersion Programs in German, Italian, and Spanish. This designation by the State of California is dismissive of the hard work of the students and parents and could have negative consequences for the morale of the hard working and dedicated teachers and staff. In 2010 Franklin was a decile 7 school and had a similar school ranking of 10. There were approximately 3,348 elementary schools statewide with API scores lower than Franklin in 2010. Only 687 elementary schools with API scores ranging from a low of 494 to a high of 812 were placed on the list due to the 10% cap. Franklin and the Glendale Unified School District have worked steadily and consistently to meet the targets established by the State. To be both a current California Distinguished School and a “low achieving” school is contradictory. To place Franklin on the same list as an elementary school with an API of 494 sends the wrong message to the Franklin community.

**Conclusion:** The Benjamin Franklin Elementary School community and the Glendale Unified School District request that the State Board of Education act to remove the tarnish of the “low achieving” open enrollment school designation for the 2011/2012 school year.

8. Demographic Information:

Benjamin Franklin Elementary School has a student population of 489 and is located in an urban city in Los Angeles County.
<table>
<thead>
<tr>
<th>Question</th>
<th>Option A</th>
<th>Option B</th>
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<tr>
<td>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</td>
<td>No ☒ Yes ☐</td>
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**District or County Certification**  – *I hereby certify that the information provided on this application is correct and complete.*

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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<th>Role</th>
<th>Signature</th>
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<tr>
<td>Signature of Superintendent or Designee:</td>
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**GENERAL WAIVER REQUEST**

**GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/**

First Time Waiver: ✓
Renewal Waiver: ___

Send Original plus one copy to: Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

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<tr>
<th>Local educational agency:</th>
<th>Contact name and Title:</th>
<th>Contact person’s e-mail address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glendale Unified School District</td>
<td>Dr. Richard Sheehan, Superintendent</td>
<td><a href="mailto:dsheehan@gusd.net">dsheehan@gusd.net</a></td>
</tr>
</tbody>
</table>

Address: 223 North Jackson Street, Glendale, CA 91206

Phone (and extension, if necessary): 818-241-3111 ext. 215
Fax Number: 818-548-9041

Period of request: From: 7/1/11 To: 6/30/12

Local board approval date: 12/13/11
Date of public hearing: 12/13/11

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**LEGAL CRITERIA**

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 48352(a) and 5 CCR section 4701

   Circle One: EC or CCR

   Topic of the waiver: Removal from Open Enrollment (SBX5 4) list of 1,000 “low achieving” schools

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval: __________ Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? No ✓ Yes  

   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 11/28/11 - Glendale Teachers Association (GTA)  
   12/5/11 – California School Employees Association (CSEA) Chapter 3

   Name of bargaining unit and representative(s) consulted: Tami Carlson, GTA President  
   Julie Niles, CSEA President

   The position(s) of the bargaining unit(s): Neutral ✓ Support __ Oppose (Please specify why) GTA & CSEA

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ✓ Notice in a newspaper  ___ Notice posted at each school  ✓ Other: (Please specify) other public locations

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Edison School Site Council (SSC)

   Date the committee/council reviewed the waiver request: 12/13/2011

   Were there any objection(s)? No ✓ Yes ___ (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

48352. For purposes of this article, the following definitions apply:

(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.

(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.

And 5 CCR section 4701

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Thomas Edison Elementary School was identified as an “Open Enrollment” school by the State for the 2011/2012 school year based on the regulations to implement SBX4 4 (Romero). This “Race to the Top” bill allows transfer of students by their parents from “low achieving” schools to schools with higher API scores. The Glendale Unified School District takes the position that the methodology used to define a low achieving school for open enrollment is flawed and punitive. Thomas Edison Elementary School has a 2011 Growth API of 804. Since 2000 Edison has increased its API score by 192 points and is currently considered a high performing school. It was named a California Distinguished School in 2010 and became an Advanced Technology Magnet School in 2010 which made it a school of choice for parents from all schools in the District and many from neighboring Districts. All Edison parents had to complete an application for their student(s) to attend Edison and students were selected using a random student selection process. Edison also has a growing Spanish Dual Immersion Program and was identified by the Spanish Embassy as an International Spanish Academy. This designation by the State of California is dismissive of the hard work of the students and parents and could have negative consequences for the morale of the hard working and dedicated teachers and staff. In 2010 Edison was a decile 6 school and had a similar school ranking of 9. There are approximately 2,790 elementary schools statewide with API scores lower than Edison, however only 687 elementary schools with API scores ranging from a low of 494 to a high of 812 were placed on the list due to the 10% cap. Edison and the Glendale Unified School District have worked steadily and consistently to meet the targets established by the State. To be both a current California Distinguished School and a “low achieving” school is contradictory. To place Edison that has an API of 804 on the same list as an elementary school with an API of 494 sends the wrong message to the Edison community.

Conclusion: The Thomas Edison Elementary School community and the Glendale Unified School District request that the State Board of Education act to remove the tarnish of the “low achieving” open enrollment school designation for the 2011/2012 school year.

8. Demographic Information:
Thomas Edison Elementary School has a student population of 820 and is located in an urban city in Los Angeles County.
Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  No ☐ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Superintendent’s Signature or Designee:</td>
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<tr>
<td>Title:</td>
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<td>Date:</td>
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<td>Staff Name (type or print):</td>
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CALIFORNIA DEPARTMENT OF EDUCATION  
GENERAL WAIVER REQUEST  
GW-1 (Rev. 10-2-09)  
http://www.cde.ca.gov/re/lr/wr/  

First Time Waiver:  _X_  
Renewal Waiver:  ___  

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814  

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov  

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Local educational agency:  
Goleta Union School District  
Address: 401 N. Fairview Avenue  
(City)  Goleta  
(State)  CA  
(ZIP)  93117  
Phone (and extension, if necessary): 805/681-1200 x203  
Fax Number: 805/692-0857  

Contact name and Title:  
Elizabeth DeVita,  
Assistant Superintendent  
Contact person’s e-mail address: edevita@goleta.k12.ca.us  

Local board approval date: (Required)  
December 7, 2011  
Date of public hearing: (Required)  
December 7, 2011  

Period of request: (month/day/year)  
From: July 1, 2011  
To: June 29, 2013  
Local board approval date: (Required)  
December 7, 2011  
Date of public hearing: (Required)  
December 7, 2011  

LEGAL CRITERIA  

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California  
   Code of Regulations section(s) to be waived (number):  
   EC 48352(a), Title 5 CCR 4701  
   Circle One: Both EC & CCR  
   Topic of the waiver:  Removal from Open Enrollment List  

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  
   and date of SBE Approval:  
   Renewals of waivers must be submitted two months before the active waiver expires.  

3. Collective bargaining unit information. Does the district have any employee bargaining units?  
   __ No  _X_ Yes  
   If yes, please complete required information below:  
   Bargaining unit(s) consulted on date(s):  
   California School Employee Association (CSEA) on November 18, 2011  
   United Teaching Profession of Goleta (UTP/G) on November 21, 2011  
   Name of bargaining unit and representative(s) consulted:  
   CSEA—Connie Every, President  
   UTP/G—Jen Checchio, President  
   The position(s) of the bargaining unit(s):  
   ___ Neutral  ___ Support  ___ Oppose (Please specify why)  

4. Public hearing requirement:  
   A public hearing is not simply a board meeting, but a properly noticed public hearing held  
   during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda  
   does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time,  
   date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal  
   notice at each school and three public places in the district.  
   How was the required public hearing advertised?  
   ___ Notice in a newspaper  _X_ Notice posted at each school  _X_ Other: (Noticed at two District Office locations, on  
   District webpage, and the Goleta Public Library)  

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
   English Learner Advisory Council (ELAC)  
   School Site Council (SSC)  
   Date the committee/council reviewed the waiver request:  
   SSC—November 30, 2011  
   ELAC—November 30, 2011  
   Were there any objection(s)?  
   No __x__ Yes  
   (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

Education Code 48352. For purposes of this article, the following definitions apply:

(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.

(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. (B) Court, community, or community day schools shall not be included on the list.

(B) Charter schools shall not be included on the list.

(c) "Parent" means the natural or adoptive parent or guardian of a dependent child.

(d) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(e) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Title 5 CCR 4701. Identification of Open Enrollment Schools.

(a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only “10 percent” of a local educational agency’s (LEA’s) schools pursuant to the following methodology:

(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;

(2) the list of 1,000 schools shall exclude the following:

(A) schools that are court, community, or community day schools;

(B) schools that are charter schools;

(C) schools that are closed; and

(D) schools that have fewer than 100 valid test scores.

3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA’s schools shall be rounded up to the next whole number; and

(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

As a result of the Open Enrollment Act (SB4 x5), Brandon Elementary School (Brandon) has been identified as one of 1,000 low achieving school(s) in California and has been placed on the Open Enrollment List for the 2012-2013 school year. It is the methodology of the Act as outlined in EC 48352 and Title 5 CCR 4701 – that of selecting the school(s) with the lowest Academic Performance Index (API) score in the district - that has identified Brandon as a low achieving school.

The Goleta Union School District contends that Brandon is not a low achieving school given that the school has an API of 811, which exceeds the state’s target for schools of 800.

Brandon is not a Title I school and, therefore, is not in Program Improvement.

It is important to note that Brandon is part of a comprehensive network of nine District schools that is currently implementing a detailed plan to raise the achievement of all learners through the frequent use of site and district-level professional learning communities in math, reading language arts, and English Language Development.

For these reasons, Goleta Union School District is submitting this waiver request in order that Brandon not be designated low achieving per Education Code 48352(a) and that Brandon be removed from the Open Enrollment List for 2012-2013. The waiver is necessary in order to be able to accurately convey Brandon’s academic performance to the parents, staff, and community members of the school and district.

8. Demographic Information:
   Brandon Elementary School has a student population of 445 and is located in a small city in Santa Barbara County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of CPM finding)
**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title: Superintendent</th>
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CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency: Pollock Pines Elementary School District
Contact name and Title: Kevin Monsma, Superintendent
Contact person's e-mail address: kmonsma@ppesd.org

Address: 2701 Amber Trail Pollock Pines CA 95726
Phone (and extension, if necessary): (530) 644-5416
Fax Number: (530) 644-5483

Period of request: From: 7/1/2011 To: 6/30/2012
Local board approval date: 12/13/2011
Date of public hearing: 12/13/2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Circle One: EC or CCR

   Topic of the waiver: Open Enrollment waiver due to API above 800

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? X No __ Yes ___ If yes, please complete required information below: While the District does not have an employee bargaining unit, the district did consult with the teachers in order to seek their support.

   Bargaining unit(s) consulted on date(s): 11/17/2011
   Name of bargaining unit and representative(s) consulted:
   The position(s) of the bargaining unit(s): __ Neutral X Support __ Oppose (Please specify why)
   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised? Pollock Pines-Camino Community Center
   Pollock Pines Post Office
   X ___ Notice in a newspaper ___ Notice posted at each school ___ Other: (Please specify)
   District Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   School Site Council
   Date the committee/council reviewed the waiver request: 11/29/2011

   Were there any objection(s)? No X Yes ___ (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

**Education Code 48352.** For purposes of this article, the following definitions apply:

(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

1. Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.

2. In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

   A. A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.
   
   B. Court, community, or community day schools shall not be included on the list.
   
   C. Charter schools shall not be included on the list.

(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.

(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

**Title 5 CCR 4701.** Identification of Open Enrollment Schools.

a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only “10 percent” of a local educational agency's (LEA's) schools pursuant to the following methodology:

1. The list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools.
2. The list of 1,000 schools shall exclude the following:
   
   A. Schools that are court, community, or community day schools.
   
   B. Schools that are charter schools.
   
   C. Schools that are closed.
   
   D. Schools that have fewer than 100 valid test scores.

3. An LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and

4. To produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools:

   1. For the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Pinewood Elementary School has been identified on the Open Enrollment list for the 2011-12 school year. The school and district are requesting that Pinewood be removed from the list due to its API score of 811. For the last three years Pinewood has maintained an API of over 800 and has shown a steady increase in the growth of students moving from the levels of Basic and below toward proficient and advanced.

The request is to remove Pinewood Elementary from the Open Enrollment Low performing schools list.

8. Demographic Information:
Pinewood Elementary has a student population of 377 and is located in a rural setting in El Dorado County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  
No ☒ Yes ☐  
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: Title: Superintendent Date: December 14, 2011

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print): Staff Signature: Date: 

Unit Manager (type or print): Unit Manager Signature: Date: 

Division Director (type or print): Division Director Signature: Date: 

Deputy (type or print): Deputy Signature: Date: 

5-12-2011

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

Local educational agency:
Redlands Unified School District
On behalf of Lugonia Elementary School

Contact name and Title:
Cynthia A. Quezada
Director, Categorical Programs

Contact person’s e-mail address:
cynthia_quezada@redlands.k12.ca.us

Address:
20 W. Lugonia Avenue, Redlands, CA 92374

Phone (and extension, if necessary):
909-307-5300, x6767
Fax Number: 909-307-5335

Period of request: (month/day/year)
From: July 1, 2012 To: July 31, 2013

Local board approval date: (Required)
December 6, 2011

Date of public hearing: (Required)
December 6, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Circle One: EC or CCR

   Topic of the waiver: Removal of School from Open Enrollment list

2. If this is a renewal of a previously approved waiver, please list Waiver Number: #65-12-2010 and date of SBE Approval _April 21, 2011_.

   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  _X_ Yes  If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):
   November 22, 2011

   Name of bargaining unit and representative(s) consulted:
   Redlands Teachers’ Association (RTA) - Maria Clark

   The position(s) of the bargaining unit(s): __ Neutral  _X_ Support  __ Oppose (Please specify why)

   Comments (if appropriate):  

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper  _X_ Notice posted at each school  ___ Other: (Please specify)
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: November 29, 2011

Were there any objection(s)? No X Yes ___ (If there were objections please specify)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

Education Code 48352. For purposes of this article, the following definitions apply:

(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

—(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.

—(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

—(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. (B) Court, community, or community day schools shall not be included on the list.

—(C) Charter schools shall not be included on the list.

(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.

(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Title 5 CCR 4701. Identification of Open Enrollment Schools.

(a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only "10 percent" of a local educational agency's (LEA's) schools pursuant to the following methodology:

(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;

(2) the list of 1,000 schools shall exclude the following:

(A) schools that are court, community, or community day schools;
(B) schools that are charter schools;
(C) schools that are closed; and
(D) schools that have fewer than 100 valid test scores.

3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number, and

(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Redlands Unified School District (RUSD), with a district-wide API ranking of 815, is requesting to remove Lugonia Elementary from the Open Enrollment list. Lugonia Elementary has an API of 765, and has improved their API score by 165 points in 10 years. This impressive gain is the largest increase of any of our schools since the inception of the API. In addition, the school continues to make gains school-wide, as well as in their significant sub-groups. Redlands Unified is providing Lugonia with significant supplementary fiscal, curricular, professional development, and technology support. Placing Lugonia Elementary School on the list, when they are not one of the 1,000 lowest performing schools in the state, creates a stigma of negativity that impacts students, staff, and community morale, in addition to having a significant educational, economic, and political impact on the school, and it’s community. By removing Lugonia School off the Open Enrollment list, the school will maintain the same sense of pride and momentum of high academic achievement for all their students that all schools in RUSD enjoy.

8. Demographic Information:
Lugonia Elementary has a student population of 602 and is located in a small city in San Bernardino County. They have an EL population of 29% and their Ethnic breakdown is as follows: Hispanic/Latino 76%; White 8%; African American 8%; Asian 5%; Filipino 1% and Pacific Islander 1%.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: Title: Superintendent Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print): Staff Signature: Date:

Unit Manager (type or print): Unit Manager Signature: Date:

Division Director (type or print): Division Director Signature: Date:

Deputy (type or print): Deputy Signature: Date:
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___  Renewal Waiver:  _X_

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency:
Redlands Unified School District
On behalf of **Victoria Elementary School**

Contact name and Title:
Cynthia A. Quezada
Director, Categorical Programs

Contact person’s e-mail address:
cynthia_quezada@redlands.k12.ca.us

Address: 20 W. Lugonia Avenue, Redlands, CA 92374

Period of request:  (month/day/year)
From: July 1, 2012  To: July 31, 2013

Local board approval date: (Required)
December 6, 2011

Date of public hearing: (Required)
December 6, 2011

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**LEGAL CRITERIA**

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number):  
   Circle One: EC or CCR

   Topic of the waiver: Removal of School from Open Enrollment list

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **#66-12-2010** and date of SBE Approval *April 21, 2011*. Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  _X_ Yes  If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): November 22, 2011

   Name of bargaining unit and representative(s) consulted: Redlands Teachers’ Association (RTA) - Maria Clark

   The position(s) of the bargaining unit(s):  __ Neutral  _X_ Support  __ Oppose (Please specify why)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper  _X_ Notice posted at each school  ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   School Site Council

   Date the committee/council reviewed the waiver request: December 1, 2011  ea 12/14/11

   Were there any objection(s)?  No _X_ Yes ___ (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   **Education Code 48352.** For purposes of this article, the following definitions apply:

   (a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

   --(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.

   --(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

   --(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. (B) Court, community, or community day schools shall not be included on the list.

   --(C) Charter schools shall not be included on the list.

   (b) "Parent" means the natural or adoptive parent or guardian of a dependent child.

   (c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

   (d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

**Title 5 CCR 4701. Identification of Open Enrollment Schools.**

(a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only “10 percent” of a local educational agency’s (LEA’s) schools pursuant to the following methodology:

(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;

(2) the list of 1,000 schools shall exclude the following:

   (A) schools that are court, community, or community day schools;

   (B) schools that are charter schools;

   (C) schools that are closed; and

   (D) schools that have fewer than 100 valid test scores.

3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA’s schools shall be rounded up to the next whole number, and

4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1, for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Redlands Unified School District (RUSD), with a district wide ranking of 815, is requesting to remove Victoria Elementary School from the Open Enrollment list. Victoria Elementary has an API of 745, and has improved their API score by 99 points in ten years. This gain is due in large part to the commitment of the staff to provide the best learning environment for their diverse student population and to the districts’ highest (94%) Free & Reduced lunch site. Redlands Unified School District is providing Victoria with significant supplemental fiscal, curricular, professional development and technology support. Placing Victoria Elementary School on the list, when they are not one of the 1,000 lowest performing schools in the state, creates a stigma of negativity that impacts students, staff and community moral, in addition to having significant educational, economic and political implications on the school, and its community. By removing Victoria School off the Open Enrollment list, the school will maintain the same sense of pride and momentum of high academic achievement for all their students that all schools in RUSD enjoy.

8. Demographic Information:
Victoria Elementary has a student population of 562 and is located in a small city in San Bernardino County. They have an EL population of 40% and their Ethnic breakdown is as follows: Hispanic/Latino 59%; Asian 16%; White 10%; African American 7%; Filipino 6% and Pacific Islander 1%.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No ☐ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: [Signature]
Title: Superintendent
Date: [Date]

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print): [Name]
Staff Signature: [Signature]
Date: [Date]

Unit Manager (type or print): [Name]
Unit Manager Signature: [Signature]
Date: [Date]

Division Director (type or print): [Name]
Division Director Signature: [Signature]
Date: [Date]

Deputy (type or print): [Name]
Deputy Signature: [Signature]
Date: [Date]
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: ___

Send Original plus one copy to: Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

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Local educational agency: Saugus Union School District on behalf of Skyblue Mesa Elementary School
Contact name and Title: Joan Lucid, Superintendent
Contact person’s e-mail address: j lucid@saugus.k12.ca.us

Address: 24930 Avenue Stanford, Santa Clarita, California 91355

Period of request: (month/day/year) From: 7/01/2012 To: 6/29/2013
Local board approval date: (Required) December 13, 2011
Date of public hearing: (Required) December 13, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Circle One: EC or CCR

Topic of the waiver: Definition of “low achieving”

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): Saugus Teachers Association & California School Employee Association Ed Chapter 112
Name of bargaining unit and representative(s) consulted: STA (X), CSEA (X)
The position(s) of the bargaining unit(s): __ Neutral X Support __ Oppose (Please specify why)
Comments (if appropriate): Very supportive

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?
___ Notice in a newspaper X Notice posted at school ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: 11/28/2011
Were there any objection(s)? No X Yes ___ (If there were objections please specify)
6. **Education Code** or **California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

(a) “Low achieving school” means any school identified by the Superintendent pursuant to the following:

(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle and high schools as existed in decile 1 in the 2008-09 school year.

(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.

(B) Court, community, or community day schools shall not be included on the list.

(C) Charter schools shall not be included on the list.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Skyblue Mesa Elementary School has had an API over 800 since 2003. California Department of Education describes an “API score of 800 as the target to which all schools should aspire”. Skyblue Mesa has consistently met and exceeded that target for nine years, and was recognized as a California Distinguished School. For the 2010-2011 school year the Saugus Union School District housed three Special Day classes at the Skyblue Mesa campus for the first time. That the decrease of 12 API points that the school experienced is due to the adjustment the school underwent in assimilating severely disabled students and learning to meet their needs. To remedy the change in scores we are implementing intensive targeted and ongoing staff development in the following areas:

- Standards-based Brain Based Direct Instruction
- Structured English Language Development
- Coaching and Instructional Rounds
- Data Driven analysis at each grade level

The Saugus Union School District requests that this waiver be granted so that Skyblue Mesa Elementary School can be removed from the current list of “low achieving “ Open Enrollment schools, not be labeled “Low Achieving” when by state definition it is “High Performing”.

8. Demographic Information:

Skyblue Mesa Elementary School has a student population of 511 students (464 Reg. Ed./47 SDC) and is located in a suburban area of the Santa Clarita Valley in north Los Angeles County.

Is this waiver associated with an apportionment related audit penalty? (per **EC 41344**)  No X Yes □

(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes □

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

**Signature of Superintendent or Designee:**

**Title:**

**Date:**

December 13, 2011
**CALIFORNIA DEPARTMENT OF EDUCATION**

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

**First Time Waiver: _X_**

**Renewal Waiver: ____**

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

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<th>Contact name and Title:</th>
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<tbody>
<tr>
<td>Torrance Unified School District</td>
<td>Dr. E Don Kim Senior Director – Elementary Schools</td>
<td><a href="mailto:dkim@tusd.org">dkim@tusd.org</a></td>
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**Period of request: (month/day/year)**

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**LEGAL CRITERIA**

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): both EC 48352 & 5 CCR 4701

Circle One: **EC** or **CCR**

**Topic of the waiver:** Identification of Open Enrollment Schools

2. If this is a renewal of a previously approved waiver, please list Waiver Number: N/A  and date of SBE Approval_______

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? **No** _X_ **Yes** If yes, please complete required information below:

- Bargaining unit(s) consulted on date(s): 11/21/11 and 11/30/11
- Name of bargaining unit and representative(s) consulted: Torrance Teachers Association, Executive Director Mario DiLeva
- The position(s) of the bargaining unit(s): _X_ Support  **Oppose** (Please specify why)
- Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

- How was the required public hearing advertised? Daily Breeze newspaper on 11/30/11-12/5/11
  - _X_ Notice in a newspaper  ____ Notice posted at each school  ____ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

- Date the committee/council reviewed the waiver request: Howard Wood School Site Council on 12/2/11
- Were there any objection(s)? No _X_ Yes ____ (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a *strike out* key).

**Education Code 48352.** For purposes of this article, the following definitions apply:

(a) "Low achieving school" means any school identified by the Superintendent pursuant to the following:

(4) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.

(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.

(B) Court, community, or community day schools shall not be included on the list.

(C) Charter schools shall not be included on the list.

(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.

(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

**Title 5 CCR 4701.** Identification of Open Enrollment Schools

(a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only “10 percent” of a local educational agency’s (LEA’s) schools pursuant to the following methodology:

(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;

(2) the list of 1,000 schools shall exclude the following:

(A) schools that are court, community, or community day schools;

(B) schools that are charter schools;

(C) schools that are closed; and

(D) schools that have fewer than 100 valid test scores.

(3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA’s schools shall be rounded up to the next whole number; and

(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process:

(A) create a pool of schools:

1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school Year, this pool shall be created by selecting all schools from the 2009 Base API file.
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Howard Wood Elementary School (CDS Code: 19650606023303) is not a “low achieving school” as established under the intent of the Open Enrollment Act and therefore this General Waiver Request is made to remove the school from the 2012-13 Open Enrollment Schools List. Wood Elementary has an API score of 805 which meets the criterion of the state as a “high achieving school” since its API score is greater than 800. As recently as 2006, Wood was a California Distinguished School. Further, Wood Elementary has never been in Program Improvement status. Wood Elementary has the support of the teachers (Torrance Teachers Association), parents and school community (School Site Council), and the district and the Board of Education in its commitment to improve the educational program at the school. Wood Elementary has a Single Plan for Student Achievement that details how student achievement is its top priority. Being on the Open Enrollment School List could be harmful to Wood in being successful in all of its achievement goals.

8. Demographic Information:
Howard Wood Elementary School has a student population of _373_ and is located in the _urban city of Torrance_ in Los Angeles County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  
No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:  
Title: Superintendent  
Date: 12/13/11

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print):  
Staff Signature:  
Date:

Unit Manager (type or print):  
Unit Manager Signature:  
Date:

Division Director (type or print):  
Division Director Signature:  
Date:

Deputy (type or print):  
Deputy Signature:  
Date:
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  
Renewal Waiver:  _X_

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

Local educational agency:  
Tustin Unified School District  
On behalf of Helen Estock Elementary

Contact name and Title:  
Kathie Nielsen, Chief Academic Officer

Contact person’s e-mail address:  
knelsen@tustin.k12.ca.us

Address:  
300 South “C” Street, Tustin, CA 92780

(City) (State) (ZIP)

Phone (and extension, if necessary):  
714 730-7301 ext. 309

Fax Number: 714 838-6396

Period of request:  (month/day/year)  
From:  7-1-12  To: 6-30-13

Local board approval date:  (Required)  
December 12, 2011

Date of public hearing:  (Required)  
December 12, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  
48352  
Circle One:  EC or  CCR

Topic of the waiver:  Waiver Request to remove Helen Estock Elementary from the Open Enrollment Schools Lists

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 38-12-2010  and date of SBE Approval 4/21/11  Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  __ No  _X_ Yes  If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):  November 17, 2011

   Name of bargaining unit and representative(s) consulted:  Tustin Educators Association (TEA)  Thomas Prendergast, President

   California Schools Employers Association (CSEA)  Curtis O’Brien, President

   The position(s) of the bargaining unit(s):  _X_ Support  __ Oppose (Please specify why)  ea 1/6/2012

4. Public hearing requirement:  A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

   _X_ Notice posted at each school  _X_ Other:  (Please specify)  Tustin Library,

   TUSD IRC, TUSD Administration Office

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**TUSD IRC, TUSD Administration Office**
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request:
- English Learner Advisory Committee (ELAC): December 6, 2011
- School Site Council (SSC): December 6, 2011

Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key). Education Code 48352.

(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.

(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. 

(B) Court, community, or community day schools shall not be included on the list.

(C) Charter schools shall not be included on the list.

(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.

(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Helen Estock Elementary is a Title I school in the Tustin Unified School District. The school has undergone many changes in an effort to continue to improve student performance. The school has shown consistent gains over the past several years with an overall improvement of 123 API points in the past 10 years. The school is 36 points from the goal of 800.

For these reasons, the Helen Estock staff, School Site Council, and English Learner Advisory Committee voted unanimously to submit a waiver request to have Helen Estock Elementary school removed from the Open Enrollment List. The school leadership team and staff of highly qualified teachers expect the progress of the school to continue due to an effective English Language Development program, and the implementation of a targeted Response to Intervention Program designed to meet the individual needs of students. With the adoption of new Mathematics materials last year, expected gains will also continue in Math.

Helen Estock Elementary is not one of the state’s 1,000 lowest performing schools, but appears on the list due to the artificial 10% cap placed on districts. We ask that you approve the waiver request to remove Helen Estock Elementary from the Open Enrollment lists.

8. Demographic Information:

*Helen Estock Elementary* has a student population of 389 and is located in a small city in Orange County.
<table>
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<tr>
<th>District or County Certification</th>
<th>I hereby certify that the information provided on this application is correct and complete.</th>
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<td>Title: Superintendent</td>
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Local educational agency:  
Tustin Unified School District  
On behalf of Jeane Thorman Elementary

Contact name and Title:  
Kathie Nielsen, Chief Academic Officer

Contact person's e-mail address:  
knielsen@tustin.k12.ca.us

Address:  (City)  (State)  (ZIP)  
300 South “C” Street, Tustin, CA 92780

Phone (and extension, if necessary):  
714 730-7301 ext. 309

Fax Number: 714 838-6396

Period of request:  (month/day/year)  
From:  7-1-12  To: 6-30-13

Local board approval date:  (Required)  
December 12, 2011

Date of public hearing:  (Required)  
December 12, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  
48352  
Circle One:  EC or  CCR

Topic of the waiver:  
Waiver Request to remove Jeane Thorman Elementary from the Open Enrollment Schools Lists

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 39-12-2010 and date of SBE Approval 4/21/11  
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  
__ No  \_X\_ Yes  
If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):  November 17, 2011

Name of bargaining unit and representative(s) consulted:  
Tustin Educators Association (TEA)  
Thomas Prendergast, President

California Schools Employers Association (CSEA)  
Curtis O'Brian, President

The position(s) of the bargaining unit(s):  
__ Neutral  \_X\_ Support  __ Oppose (Please specify why)

4. Public hearing requirement:  
A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include:  
(1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or  
(2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?  
__ Notice in a newspaper  \_X\_ Notice posted at each school  \_X\_ Other: (Please specify)  
Tustin Library,  
TUSD IRC, TUSD Administration Office
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request:
- English Learner Advisory Committee (ELAC): December 6, 2011
- School Site Council (SSC): December 6, 2011

Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

**Education Code 48352.**

(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.

(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. (B) Court, community, or community day schools shall not be included on the list.

(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Jeane Thorman Elementary School is a Title I school in the Tustin Unified School District. The school has undergone many changes in an effort to continue to improve student performance. The school has shown consistent gains over the past several years with an overall improvement of 156 API points in the past 10 years. The school has been recognized as both a High Achieving Title I school and a California Distinguished School.

For these reasons, the Jeane Thorman Elementary staff, School Site Council, and English Learner Advisory Committee voted unanimously to submit a waiver request to have Jeane Thorman Elementary school removed from the Open Enrollment List. The school leadership team and staff of highly qualified teachers expect the progress of the school to continue due to an effective English Language Development program and the implementation of a targeted Response to Intervention Program designed to meet the individual needs of students. With the adoption of new Mathematics materials last year, expected gains will also continue in Math.

Jeane Thorman Elementary is not one of the state’s 1,000 lowest performing schools, but appears on the list due to the artificial 10% cap placed on districts. We ask that you approve the waiver request to remove Jeane Thorman Elementary from the Open Enrollment lists.

8. Demographic Information:

**Jeane Thorman Elementary** has a student population of 750 and is located in a small city in Orange County.
<table>
<thead>
<tr>
<th><strong>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</strong></th>
<th>No ☒ Yes ☐</th>
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<td><strong>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</strong></td>
<td>No ☒ Yes ☐</td>
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**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

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<th>Title:</th>
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<td>Superintendent</td>
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CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X

Renewal Waiver: ___

Send Original plus one copy to: Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

Local educational agency: Tustin Unified School District
On behalf of Robert Heideman Elementary
Contact name and Title: Kathie Nielsen, Chief Academic Officer
Contact person’s e-mail address: knielsen@tustin.k12.ca.us
Address: 300 South “C” Street, Tustin, CA  92780
Phone (and extension, if necessary): 714 730-7301 ext. 309
Fax Number: 714 838-6396

Period of request: (month/day/year) From: 7-1-12 To: 6-30-13
Local board approval date: (Required) December 12, 2011
Date of public hearing: (Required) December 12, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 48352 Circle One: EC or CCR

   Topic of the waiver: Waiver Request to remove Robert Heideman School from the Open Enrollment Schools Lists

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No   X   Yes   If yes, please complete required information below:

   Name of bargaining unit and representative(s) consulted: Tustin Educators Association (TEA) Thomas Prendergast, President
   California Schools Employers Association (CSEA) Curtis O’Brian, President

   Bargaining unit(s) consulted on date(s): November 17, 2011
   The position(s) of the bargaining unit(s): __ Neutral   X   Support   __ Oppose (Please specify why) ea 1/6/12

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?
   __ Notice in a newspaper   X   Notice posted at each school   X Other: (Please specify) Tustin Library, TUSD IRC, TUSD Administration Office
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request:
- English Learner Advisory Committee (ELAC): December 7, 2011
- School Site Council (SSC): December 7, 2011

Were there any objection(s)? No X Yes  (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

Education Code 48352.

(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.

(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. (B) Court, community, or community day schools shall not be included on the list.

(C) Charter schools shall not be included on the list.

(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.

(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Robert Heideman Elementary School is a Title I school in the Tustin Unified School District. The school has undergone many changes in an effort to continue to improve student performance. This year, the school has new Principal and has undergone extensive restructuring in order to positively affect student achievement. The school has shown consistent gains over the past several years with an overall improvement of 194 API points in the past 10 years.

Robert Heideman Elementary School staff, School Site Council, and English Learner Advisory Committee voted unanimously to submit a waiver request to have Robert Heideman Elementary School removed from the Open Enrollment List. The school leadership team and staff of highly qualified teachers expect the progress of the school to continue due to an effective English Language Development program, a strong intervention program, extensive professional development for teachers and the implementation of a targeted Response to Intervention Program designed to meet the individual needs of students.

Robert Heideman Elementary School is not one of the state’s 1,000 lowest performing schools, but appears on the list due to the artificial 10% cap placed on districts. We ask that you approve the waiver request to remove Robert Heideman Elementary School from the Open Enrollment lists.

8. Demographic Information:

Robert Heideman Elementary School has a student population of 504 and is located in a small city in Orange County.
<table>
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| Deputy (type or print): | Deputy Signature: | Date: |
CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2012 AGENDA

General Waiver

SUBJECT
Request by nine local educational agencies to waive California Education Code Section 48352(a) and California Code of Regulations Title 5, Section 4701 to remove their schools from the Open Enrollment List of “low-achieving schools” for the 2012–13 school year.

Waiver Number: List of schools attached

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval of nine waiver requests (Attachments 2 through 10). These waivers would allow the schools to have their names removed from the Open Enrollment List as requested. These waivers would not affect the standing of any other school, as each of these waivers is specific to each named school. These waivers are for the 2012–13 list only. Districts granted this waiver must honor any requests from students to transfer out of these schools pursuant to the Open Enrollment Act.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The Open Enrollment Act, SBX5 4 (Romero), was signed into law on January 7, 2010, and became effective on April 14, 2010. The Open Enrollment Act provides students enrolled in one of the 1,000 “low-achieving schools,” the option to enroll in a different school with a higher Academic Performance Index (API) than the pupil’s school of residence.

In October 2010, based on the 2010 growth API, districts were notified of their schools that were on the Open Enrollment List for the 2011–12 school year. Also, in October 2010, permanent regulations were submitted to the Office of Administrative Law with approval as of January 1, 2011. In November of 2011, based on the 2011 growth API, districts were notified of their schools that were placed on the Open Enrollment List for the 2012–13 school year.

To date, the SBE has declined to hear waivers requesting removal from any of the posted Open Enrollment Lists. Therefore, per California Education Code (EC) Section 33052(a), past waivers requested were approved by default.
SUMMARY OF KEY ISSUES

All of the districts are requesting, on behalf of their listed schools, a waiver of EC Section 48352(a) and California Code of Regulations, Title 5, Section 4701, which references EC Section 48352. The pertinent text is listed below:

EC 48352(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile1 in the 2008–09 school year.

(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.

(B) Court, community, or community day schools shall not be included on the list.

(C) Charter schools shall not be included on the list.

The 10 percent limitation per district in statute, coupled with other criteria for determining the 1,000 schools, has created the possibility, that fairly high-achieving schools may be on the list of 1,000 Open Enrollment (low-achieving) schools. The statewide API goal is 800, and of the 1,000 schools on the 2012–13 Open Enrollment List, 14 schools (1.4 percent) have APIs ranging from 800–802. Two hundred fifty-three schools (25.3 percent) have APIs ranging from 750–799. Another 281 schools (28.1 percent) on the list have APIs ranging from 700–749. Of the 1,000 low-achieving schools for the 2012–13 school year 593, or 59.3 percent, have APIs of 700 or over. The lowest 2011 growth API of the schools for whom a waiver is requested is 747.

The methodology used in creating the list of the 1,000 lowest achieving schools per the statute resulted in some higher achieving schools being placed on the list while at the same time some schools with lower APIs were not included on the list. This was primarily due to the statutory provision that a district could have no more than 10 percent of its schools on the list.

Identification as a low-achieving school can have a significant educational, economic, and political impact on the school community of the affected school. The label of “low-achieving” does not take into account the API scores for schools whose scores have been rising or being maintained nearer to the higher levels of achievement. The perception of the communities of these schools that the school is low-achieving may cause warranted flight from the school community and may negatively impact school bond issues.
In summary, the criteria for developing the list of the 1,000 lowest achieving schools have contributed to consequences, which appear to be contrary to the intent of the law, specifically, to provide more options for parents at low-achieving schools. All of the schools for whom waivers are requested have a 2011 growth API of more than 700, and therefore, each of the school’s performance appears to be approaching the statewide goal of 800.

Attachment 1 comprises the list of schools, along with achievement data, including past and current APIs, Adequate Yearly Progress (AYP), subgroup information, Program Improvement (PI) status, and Streamline Waiver Policy data.

The CDE recommends approval of all nine waivers requested (Attachments 2 through 10). These waivers would allow for the removal of each named school from the Open Enrollment List as requested. These waivers would not affect the standing of any other school, as each waiver is specific to each named school.

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).

EC 33051(a) The State Board of Education shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following:

(1) The educational needs of the pupils are not adequately addressed.
(2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request.
(3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees.
(4) Pupil or school personnel protections are jeopardized.
(5) Guarantees of parental involvement are jeopardized.
(6) The request would substantially increase state costs.
(7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Demographic Information: See each waiver request.

Authority for Waiver: EC Section 33050

Period of request: See each waiver request.

Local board approval date(s): See each waiver request.

Public hearing held on date(s): See each waiver request.
SUMMARY OF KEY ISSUES (Cont.)

Bargaining unit(s) consulted on date(s): See each waiver request.

Public hearing advertised by (choose one or more): See each waiver request.

Advisory committee(s) consulted: See each waiver request.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: List of Schools and Streamlined Waiver Policy Data (1 page).

Attachment 2: General Waiver Request from Caruthers Unified School District (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: General Waiver Request from Evergreen School District (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: General Waiver Request from Fortuna Union Elementary School District (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: General Waiver Request from Fowler Unified School District (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: General Waiver Request from Grass Valley Elementary School District (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: General Waiver Request from Newhall School District (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: General Waiver Request from Savanna Elementary School District (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: General Waiver Request from Yucaipa-Calimesa Joint Unified School District (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: General Waiver Request from Yucaipa-Calimesa School District (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
<table>
<thead>
<tr>
<th>County</th>
<th>District</th>
<th>School</th>
<th>2009 Growth API</th>
<th>2009 AYP? (Yes/No) and Subgroups Not Met (If Any)</th>
<th>2010 Base Decile, Similar Schools Ranking</th>
<th>2010 AYP? (Yes/No) and Subgroups Not Met (If Any)</th>
<th>2011 Growth API</th>
<th>2011 AYP? (Yes/No) and Subgroups Not Met (If Any)</th>
<th>Program Improvement</th>
<th>Meets Streamlined Waiver Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>37-12-2011</td>
<td>Fresno Caruthers Unified</td>
<td>Caruthers Elementary</td>
<td>764</td>
<td>Met 21 of 21</td>
<td>769 4, 9</td>
<td>No 17 of 21</td>
<td>776</td>
<td>No 15 of 21</td>
<td>In PI Year 1</td>
<td>No</td>
</tr>
<tr>
<td>3/12/2011</td>
<td>Santa Clara Evergreen Elementary</td>
<td>John J. Montgomery Elementary</td>
<td>782</td>
<td>Met 21 of 21</td>
<td>794 5, 6</td>
<td>No 19 of 21</td>
<td>800</td>
<td>No 13 of 21</td>
<td>In PI Year 1</td>
<td>No</td>
</tr>
<tr>
<td>32-11-2011</td>
<td>Humboldt Fortuna Union Elementary</td>
<td>South Fortuna Elementary</td>
<td>721</td>
<td>No 14 of 21</td>
<td>761 3, 4</td>
<td>No 23 of 25</td>
<td>771</td>
<td>No 21 of 25</td>
<td>In PI Year 2</td>
<td>No</td>
</tr>
<tr>
<td>2/12/2011</td>
<td>Fresno Fowler Unified</td>
<td>Marshall Elementary</td>
<td>828</td>
<td>Met 17 of 17</td>
<td>761 3, 2</td>
<td>No 10 of 15</td>
<td>781</td>
<td>Met 17 of 17</td>
<td>Not In PI</td>
<td>No</td>
</tr>
<tr>
<td>41-12-2011</td>
<td>Nevada Grass Valley Elementary</td>
<td>Margaret G. Scotten Elementary</td>
<td>772</td>
<td>Met 13 of 13</td>
<td>767 4, 1</td>
<td>No 10 of 13</td>
<td>754</td>
<td>No 7 of 13</td>
<td>In PI Year 1</td>
<td>No</td>
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<tr>
<td>55-12-2011</td>
<td>Los Angeles Newhall</td>
<td>Newhall Elementary</td>
<td>814</td>
<td>Met 21 of 21</td>
<td>813 6, 8</td>
<td>No 18 of 21</td>
<td>808</td>
<td>No 17 of 21</td>
<td>In PI Year 1</td>
<td>No</td>
</tr>
<tr>
<td>10/11/2011</td>
<td>Orange Savanna Elementary</td>
<td>Holder Elementary</td>
<td>765</td>
<td>No 17 of 21</td>
<td>776 4, 9</td>
<td>No 18 of 19</td>
<td>781</td>
<td>No 13 of 19</td>
<td>In PI Year 2</td>
<td>No</td>
</tr>
<tr>
<td>15-11-2011</td>
<td>San Bernardino Yucaipa-Calimesa Joint Unified</td>
<td>Dunlap Elementary</td>
<td>749</td>
<td>No 16 of 19</td>
<td>773 4, 5</td>
<td>Yes 19 of 19</td>
<td>768</td>
<td>No 15 of 21</td>
<td>In PI Year 2</td>
<td>No</td>
</tr>
<tr>
<td>28-12-2011</td>
<td>San Bernardino Yucaipa-Calimesa Joint Unified</td>
<td>Valley Elementary</td>
<td>765</td>
<td>No 14 of 17</td>
<td>789 5, 4</td>
<td>Yes 17 of 17</td>
<td>771</td>
<td>% Proficient ELA - SW, Hisp, W, and SED</td>
<td>In PI Year 2</td>
<td>No</td>
</tr>
</tbody>
</table>

**Notes:**
- **SW** = Schoolwide
- **Hisp** = Hispanic or Latino
- **SED** = Students with Disabilities
- **EL** = English Learners
- **SD** = Socioeconomically Disadvantaged
- **W** = White
- **B** = Black
- **A** = Asian

*California Department of Education*  
*Created 1-15-2012*
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  
Renewal Waiver:  X

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

<table>
<thead>
<tr>
<th>CD CODE</th>
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</thead>
<tbody>
<tr>
<td>1 0 7 5 5 9 8</td>
</tr>
</tbody>
</table>

Local educational agency:  
CARUTHERS UNIFIED SCHOOL DISTRICT ON BEHALF OF CARUTHERS ELEMENTARY SCHOOL

Contact name and Title:  
JAMES SARGENT, SUPERINTENDENT

Contact person’s e-mail address: jsargent@caruthers.k12.ca.us

Address:  
P.O. BOX 127  
CARUTHERS  
CA 93609

Local board approval date:  
December 12, 2011

Date of public hearing:  
December 12, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  
4701  Circle One:  EC  or  CCR

Topic of the waiver: OPEN ENROLLMENT FOR 2012-2013

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 31-12-2010 and date of SBE Approval April 21, 2011  
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  
__ No  X Yes  If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):  
December 5, 2011

Name of bargaining unit and representative(s) consulted:  
CARUTHERS UNIFIED TEACHERS ASSOCIATION EXECUTIVE BOARD – CARLA CORREIA CO-PRESIDENT/MARY BETTESCHILD – CO PRSIDENT

The position(s) of the bargaining unit(s):  
__ Neutral  X Support  __ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement:  
A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

Notice in a newspaper  X  Notice posted at each school  X Other: (Please specify) County Library – Caruthers, CA

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
School Site Council

Date the committee/council reviewed the waiver request:  
December 5, 2011

Were there any objection(s)?  
__ No  X  Yes (If there were objections please specify)
### Title 5 CCR 4701. Identification of Open Enrollment Schools.

(a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only “10 percent” of a local educational agency’s (LEA’s) schools pursuant to the following methodology:

1. the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;
2. the list of 1,000 schools shall exclude the following:
   - schools that are court, community, or community day schools;
   - schools that are charter schools;
   - schools that are closed; and
   - schools that have fewer than 100 valid test scores.
3. an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA’s schools shall be rounded up to the next whole number; and
4. to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.

### 7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Our request for a waiver is based on the fact that the Open Enrollment Act, and the regulations that govern it, unfairly punish smaller rural school districts.

First, the policy of creating a list of 1000 lowest achieving schools and then limiting any district to only 10% of their schools is both unfair and inaccurate. Caruthers Elementary has a 776 API score, ranks as a decile four school and was ranked a nine out of ten in the State’s rubric for comparing similar schools in 2010. This is not a low achieving school.

Secondly, the methodology to rank all schools together – high school, middle school, elementary school – does not take into consideration the fact that the state average API scores for high schools and middle schools is significantly lower than for elementary schools. One result – unintended I assume – is that the majority of the larger school districts, protected by the 10% quota, have a very high percent of high schools and middle schools as their Open Enrollment schools. This shifts the burden to rural elementary schools to fill up the list. In our region Fresno Unified is the biggest school district and all of their Open Enrollment Schools are high schools or middle schools. Our elementary has a higher API than 49 elementary schools in Fresno Unified – none of which are on the list. This is unfair and inaccurate.

Thirdly, this is confusing and unfair to our students, staff, parents and community who have pulled together, worked hard and have improved every year. This Act sends a mixed message to parents who only want what is best for their children and deserve straight honest answers.

There are negative consequences to our district that need to be considered. In our district this will result in the families with the greatest means taking their children to neighboring suburban districts with higher socio-economic bases. This will hurt our ADA and ability to offer all of our programs. At the same time it will seriously jeopardize our efforts to pass a badly needed school facilities bond. Why would members of our farming community that own land vote to tax themselves for school improvements if they can get better facilities in a suburban school for free?

The loss of ADA may also significantly hurt our budget because we have a commitment to the QEIA grant and will need to remain at current staff levels even with less students.

The bottom line is that our school is being included on this list because we are small. If we were in a larger district, even a moderately sized one, we would not be on the list. It is really that simple. We cannot imagine this was the intent of the legislation and are asking to be removed from the list in the best interests of our students and community.
8. Demographic Information:
CARUTHERS ELEMENTARY SCHOOL has a student population of 786 and is located in a RURAL COMMUNITY in FRESNO County.

| Is this waiver associated with an apportionment related audit penalty? (per EC 41344) | No ☐ Yes ☑ |
| Has there been a Categorical Program Monitoring (CPM) finding on this issue? | No ☐ Yes ☑ |

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

| Signature of Superintendent or Designee: | Title: SUPERINTENDENT | Date: |

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

| Staff Name (type or print): | Staff Signature: | Date: |
| Unit Manager (type or print): | Unit Manager Signature: | Date: |
| Division Director (type or print): | Division Director Signature: | Date: |
| Deputy (type or print): | Deputy Signature: | Date: |
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST
GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___  
Renewal Waiver: _X_

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

CD CODE

4 3 6 9 4 3 5

Local educational agency:
Evergreen School District on behalf of John J.
Montgomery Elementary School

Contact name and Title:
Dan Deguara, Director, Educational Services

Contact person’s e-mail address:
ddeguara@eesd.org

Address:  
(City)  (State)  (ZIP)  
3188 Quimby Road  San Jose  CA  95148

Phone (and extension, if necessary):  
(408)-270-6809
Fax Number:  (408)274-3894

Period of request:  (month/day/year)
From:  6/30/12  To:  6/30/13

Local board approval date: (Required)
December 8, 2011

Date of public hearing: (Required)
December 8, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 48352(a)  
Circle One: EC or CCR

Topic of the waiver:  Formation of 2012-13 Open Enrollment list of “Low achieving school”

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 58-1-2011 and date of SBE Approval__n/a__  
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  __ No  X Yes  If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):  ETA: November 28, 2011 ;  CSEA: November 28, 2011

Name of bargaining unit and representative(s) consulted:
Evergreen Teachers Association (ETA),Brian Wheatley, President;
California School Employees Association (CSEA) Chapter 432, Ginny Gomez, President

The position(s) of the bargaining unit(s):  ETA: __ Neutral  X  Support  __ Oppose (Please specify why)  
CSEA: __ Neutral  X  Support  __ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper  x  Notice posted at each school and 3 public places  ___ Other: (Please specify)
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
   Montgomery Elementary School Site Council  
   Date the committee/council reviewed the waiver request: December 1, 2011  
   Were there any objection(s) No X Yes ___

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

**Education Code 48352.** For purposes of this article, the following definitions apply:

(a) “Low-achieving school” means any school identified by the Superintendent pursuant to the following:

(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year:

(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:
   (A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.
   (B) Court, community, or community day schools shall not be included on the list.
   (C) Charter schools shall not be included on the list.

(b) “Parent” means the natural or adoptive parent or guardian of a dependent child.

(c) “School district of enrollment” means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(d) “School district of residence” means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

**Title 5 CCR 4701.** Identification of Open Enrollment Schools.

(a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only “10 percent” of a local educational agency’s (LEA’s) schools pursuant to the following methodology:

(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools:

(2) the list of 1,000 schools shall exclude the following:
   (A) schools that are court, community, or community day schools;
   (B) schools that are charter schools;
   (C) schools that are closed; and
   (D) schools that have fewer than 100 valid test scores.

(3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA’s schools shall be rounded up to the next whole number, and

(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

John J. Montgomery Elementary School appears on the SPI’s list of Open Enrollment Schools in 2012-2013. The school exceeded its 2009-2010 growth target by making a 6 point API growth going from a 2009 Base API of 788 to a 2010 Growth API of 794. Again, exceeding the 2010-1011 growth target, Montgomery’s API increased by 6 points going from a 2010 Base API of 794 to a 2011 Growth API of 800. The State of California has set an API goal of 800 for all schools. Because John J. Montgomery Elementary School met this goal and became a performing school, the school should not be considered a California “lowest achieving” school.

8. Demographic Information:

Evergreen School District has a student population of 13,430 and is located in an urban area in Santa Clara County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: [Signature]
Title: [Superintendent]
Date: [December 9, 2011]

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Staff Name (type or print): [Staff Name]
Staff Signature: [Signature]
Date: [Date]

Unit Manager (type or print): [Unit Manager]
Unit Manager Signature: [Signature]
Date: [Date]

Division Director (type or print): [Division Director]
Division Director Signature: [Signature]
Date: [Date]

Deputy (type or print): [Deputy]
Deputy Signature: [Signature]
Date: [Date]
## GENERAL WAIVER REQUEST

**First Time Waiver:** _X_

**Renewal Waiver:** ____

### CALIFORNIA DEPARTMENT OF EDUCATION

**GW-1 (Rev. 10-2-09)**

[http://www.cde.ca.gov/re/lr/wr/](http://www.cde.ca.gov/re/lr/wr/)

### Send Original plus one copy to:

Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

### Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

### Contact Information

**Local educational agency:** Fortuna Union Elementary School District

**Contact name and Title:** Patti M. Hafner

**Contact person’s e-mail address:** phafner@humboldt.k12.ca.us

**Address:** 843 L Street

(City) Fortuna

(State) CA

(ZIP) 95540

**Phone (and extension, if necessary):** 707-725-2293

**Fax Number:** 707-725-2228

### Period of request: (month/day/year)

**From:** July 1, 2011- June 30, 2012

**Local board approval date:** November 15, 2011

**Date of public hearing:** November 15, 2011

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### LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): EC 48352

Circle One: **EC** or **CCR**

**Top**ic of the waiver: Removal from Open Enrollment List of Schools

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______

Repayments of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  _X_ Yes  If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):** November 2, 2011

   **President** California School Education Association

   **Name of bargaining unit and representative(s) consulted:** Vera Daigle; CSEA, Slide Chapter 414

   **Co-presidents** Jack West and Elizabeth Belluscio, FETA

   **Fortuna Elementary Teacher Association**

   **The position(s) of the bargaining unit(s):** _X_ Neutral __ Support __ Oppose (Please specify why)

   **Comments (if appropriate):**

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   **How was the required public hearing advertised?**

   ___ Notice in a newspaper  _X_ Notice posted at each school  ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   **Date the committee/council reviewed the waiver request:** SSC 11/17/11

   **Were there any objection(s)?** _X_ No  Yes (If there were objections please specify)
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

"EC to be Waived" is the following:

Education Code 48352. For purposes of this article, the following definitions apply:

(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

   (1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2008-09 school year.

   (2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

      (A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.

      (B) Court, community, or community day schools shall not be included on the list.

      (C) Charter schools shall not be included on the list.

(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.

(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Title 5 CCR 4701. Identification of Open Enrollment Schools.

(a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only “10 percent” of a local educational agency’s (LEA’s) schools pursuant to the following methodology:

   (1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;

   (2) the list of 1,000 schools shall exclude the following:

      (A) schools that are court, community, or community day schools;

      (B) schools that are charter schools;

      (C) schools that are closed; and

      (D) schools that have fewer than 100 valid test scores.

(3) An LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA’s schools shall be rounded up to the next whole number; and

(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The Fortuna Union School District respectfully requests South Fortuna Elementary School be removed from the 2011-2012 list of schools identified as one of the 1,000 lowest achieving schools in California under the Open Enrollment Schools Act. South Fortuna Elementary is one of two schools in the district. Their growth target was 5 and they doubled that target to an API of 771. South Fortuna Elementary met or exceeded all their API targets for all groups. Therefore it is clear that South Fortuna Elementary School is not one of the 1,000 lowest performing schools in the state.

8. Demographic Information:
   South Fortuna Elementary has a student population of 435 students and is located in a rural town. (urban, rural, or small city etc.) in Humboldt County.

   Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  No ☒ Yes ☐
   (If yes, please attach explanation or copy of audit finding)

   Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
   (If yes, please attach explanation or copy of CPM finding)

   District or County Certification – I hereby certify that the information provided on this application is correct and complete.

   Signature of Superintendent or Designee:  Title:  Date:
   Superintendent  11/18/11

   FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

   Staff Name (type or print):  Staff Signature:  Date:

   Unit Manager (type or print):  Unit Manager Signature:  Date:

   Division Director (type or print):  Division Director Signature:  Date:

   Deputy (type or print):  Deputy Signature:  Date:
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  X
Renewal Waiver:

Local educational agency:
Fowler Unified School District on behalf of Marshall Elementary School

Contact name and Title:
Eric Cederquist
Superintendent

Contact person’s e-mail address:
ecederquist@fowlerusd.org

Address:
658 E Adams Avenue
Fowler
CA  93625

Period of request:  (month/day/year)
From:    7/01/2012  
To:  6/29/2014

Local board approval date:  (Required)
12/7/2011

Date of public hearing:  (Required)
12/7/2011

CD CODE
1 0 6 2 1 5 8

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  Circle One:  EC or  CCR

Topic of the waiver:  EC 48352(a) and 5CCR 4701  Open Enrollment

2. If this is a renewal of a previously approved waiver, please list Waiver Number:   _____  and date of SBE Approval______
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  ___ No  X  Yes  If yes, please complete required information below:
Bargaining unit(s) consulted on date(s):  11/10/2011
Name of bargaining unit and representative(s) consulted:  CSEA – Diane Mendez  / FUTA – Lesa Irick
The position(s) of the bargaining unit(s):  __ Neutral  X  Support  __ Oppose (Please specify why)
Comments (if appropriate):

4. Public hearing requirement:  A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.
How was the required public hearing advertised?

___ Notice in a newspaper  X  Notice posted at each school  ___ Other:  (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
Marshall School Site Council
Date the committee/council reviewed the waiver request:  November 29, 2010

Were there any objection(s)?  No  X  Yes  ___  (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key). EC48352. For purposes of this article, the following definitions apply:

(a) "Low achieving school" means any school identified by the Superintendent pursuant to the following:

(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.

(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.

(B) Court, community, or community day schools shall not be included on the list.

(C) Charter schools shall not be included on the list. And 5CCR 4701

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages. **2010 Base API – 761 2011 Growth API 781**

Marshall Elementary School is a K-2 school of approximately 435 students in the 2011/2012 school year. Since grade 2 at Marshall School is the only grade that takes the STAR, only 130+ students are tested annually. Marshall School has successfully met API growth targets in four of the past five years which qualifies the school for the "SBE Waiver policy to streamline waiver requests from districts and schools.”

The criteria for developing the list of Open Enrollment schools have contributed to consequences that are contrary to the intent of the law which is to provide more options for parents at low-achieving schools. Marshall Elementary School’s performance clearly shows that it is a high achieving school.

<table>
<thead>
<tr>
<th>API – Marshall Elementary School</th>
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<tr>
<td>2006</td>
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<td>733</td>
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The formula for designating Open Enrollment schools is clearly flawed. Marshall Elementary School is a Title I School in the Fowler Unified School District. Marshall School is not in Program Improvement which speaks volumes to its high achieving status. We request that this waiver be approved in order to remove Marshall Elementary School from the Open Enrollment List for the 2012/2013 and for two consecutive years as the waiver request allows.

8. Demographic Information:

Marshall Elementary School has a student population of _435__ and is located in a rural area in Fresno County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No ☒ Yes ☐

(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐

(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: ______________ Title: ______________ Date: ______________

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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<th>Staff Name (type or print):</th>
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General Waiver Request

First Time Waiver: ___  
Renewal Waiver:  X

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

Local educational agency:  
Grass Valley School District  
Margaret G. Scotten School

Contact name and Title:  
Eric Fredrickson  
Superintendent

Contact person’s e-mail address:  
efredric@gvsd.k12.ca.us

Address:                                         (City)  
10842 Gilmore Way  
Grass Valley  
CA  
95945  
(ZIP)  
(City)  
(State)  
ZIP

Phone (and extension, if necessary):  
(530) 273-4473

Fax Number:  
(530) 273-0248

Period of request:  (month/day/year)  
From:  July 2012  
To:  July 2013

Local board approval date:  (Required)  
December 13, 2011

Date of public hearing:  (Required)  
December 13, 2011

Legal Criteria

1. Under the general waiver authority of Education Code 33050-33053, the particular  
   Education Code or California  
   Code of Regulations section(s) to be waived (number):  48350 Title 5, Section 4701  
   Circle One:  EC  or  CCR

   Topic of the waiver:  Identification of Open Enrollment Schools

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  63-12-2010  
   and date of SBE Approval:  April 21, 2011

   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  
   No ___  Yes  X  If yes,  
   please complete required information below:

   Bargaining unit(s) consulted on date(s):  December 9, 2011

   Name of bargaining unit and representative(s) consulted:  Grass Valley Teacher Association, John Frantz, President

   The position(s) of the bargaining unit(s):  Neutral  X  Support  Oppose (Please specify why)

   Comments (if appropriate):

4. Public hearing requirement:  A public hearing is not simply a board meeting, but a properly noticed public hearing held  
   during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does  
   not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time,  
   date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal  
   notice at each school and three public places in the district.

   How was the required public hearing advertised?  
   ___ Notice in a newspaper  X  Notice posted at each school  ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request:  December 5, 2011

   Were there any objection(s)?  No ___  Yes  X  (If there were objections please specify)
6. *Education Code or California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a *strike out key*).

   E.C. 48350, 48352  
   CCR Title 5, Section 4701

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   See Attached Addendum

8. Demographic Information:  
   (*District/school/program School* has a student population of 444 and is located in a *rural town* (*urban, rural, or small city etc*) in *Nevada County*.

   Is this waiver associated with an apportionment related audit penalty? (per *EC 41344*)  
   No ☒ Yes ☐  
   (If yes, please attach explanation or copy of audit finding)

   Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐  
   (If yes, please attach explanation or copy of CPM finding)

   **District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

   Eric Fredrickson  
   Signature of Superintendent or Designee:  
   Title:  
   Superintendent  
   Date:  
   December 13, 2011

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<td>Deputy (type or print):</td>
<td>Deputy Signature:</td>
<td>Date:</td>
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Open Enrollment Waiver 2012/13 School Year
Section 7. Desired outcome/rationale

Our desired outcome is that Scotten School be removed from the 2012/13 1000 lowest -performing schools Open enrollment list. Our rationale for making this request is based on several factors. First we feel that the regulation that only allows 10% of schools in a district to be identified as an Open Enrollment School unfairly identifies schools in smaller school districts that have much higher API scores. Scotten School’s API score for the 2011 spring testing was 754, and their state rank was 4. This means that out of 5,764 elementary schools in California, Scotten School’s API was about average, which means there are a significant number of other elementary schools with lower API’s than Scotten School.

Secondly, the negative stigma that is cast upon a school community by being placed on the Open Enrollment list and the negative impact it has on the Grass Valley School District is significant. In a small rural community that is impacted by declining enrollment, and where small districts are aggressively competing for students, having a school listed as an Open Enrollment School makes it extremely challenging for the school district to retain its students.

Scotten School is known in our community for providing a quality education. As well as strong community support, Scotten has received awards for California Distinguished School and/or Title 1 High Achieving School for five years since 2002. When the parents of Scotten School were notified last year that the school was being placed on the Open Enrollment list we did not have a single family choose to leave the school. We believe that this is a strong indicator of how satisfied our parents are with the education that their children are receiving at Scotten School.

Lastly, the time and cost required of staff to explain the Open Enrollment law and notify every parent in writing is an unnecessary unfunded mandate. With the state financial crisis and the fact that no parents left our school due to Open Enrollment the first time, it is at best inefficient and at worst unreasonable to require us to notify parents again this year.

If Scotten School were truly a low performing school and the process for placing a school on the Open Enrollment List was a fair and logical model then our district would not be requesting this waiver. We feel that until this process is modified, the implications of this process will have a significant negative impact on our school district.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__ Renewal Waiver: ___

Send Original plus one copy to: Waiver Office, California Department of Education 1430 N Street, Suite 5602 Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

CD CODE

1 9 6 4 8 3 2

Local educational agency: Newhall School District

Contact name and Title: Marc Winger, Superintendent of Schools

Contact person’s e-mail address: mwinger@newhall.k12.ca.us

Address: 25375 Orchard Village Road Valencia CA 91355

Phone (and extension, if necessary): 661-291-4100 (Ext. 162)
Fax Number: 661-291-4194

Period of request: From: 8/1/2012 To: 7/31/2013

Local board approval date: December 13, 2011

Date of public hearing: December 13, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Circle One: EC or CCR

Topic of the waiver: Open enrollment list

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______ Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): Newhall Teachers Association (11/14/11) & Newhall Educational Support Professionals (11/14/11)

Name of bargaining unit and representative(s) consulted: NTA (President), NESP (President)

The position(s) of the bargaining unit(s): _X_ Support __ Oppose (Please specify why)

Comments (if appropriate): Both bargaining units were highly supportive!

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

__ Notice in a newspaper _X_ Notice posted at each school ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: Newhall Site Council, November 14, 2011

Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

Education Code 48352. For purposes of this article, the following definitions apply:

(a) “Low-achieving school” means any school identified by the Superintendent pursuant to the following:

(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.

(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

(A) schools that are court, community, or community day schools;

(B) schools that are charter schools;

(C) schools that are closed; and

(D) schools that have fewer than 100 valid test scores.

3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA’s schools shall be rounded up to the next whole number; and

(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools:

1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Please see attached page for unique circumstances.

8. Demographic Information:

Newhall School has a student population of 660 students and is located in a suburban area of the Santa Clarita Valley in northern Los Angeles County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No X Yes

(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes

(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: Title: Superintendent of Schools Date: December 13, 2011

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print): Staff Signature: Date:

Unit Manager (type or print): Unit Manager Signature: Date:

Division Director (type or print): Division Director Signature: Date:

Deputy (type or print): Deputy Signature: Date:
Response to Question 7, desired outcome/rationale:
Newhall Elementary with a 2011 API of 808 and five years of an API that has exceeded 800 has been identified as an Open Enrollment School even as it has reached and surpassed “an API score of 800” described by the California Department of Education “as the target to which all schools should aspire.” Newhall Elementary is not only an 800+ elementary school but has also:

- Shown sustained improvement in sub-group API scores from 2006 to 2011
  
<table>
<thead>
<tr>
<th>Sub-group</th>
<th>Gain 2006-2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>English Learners</td>
<td>42 point gain</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>21 point gain</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>17 point gain</td>
</tr>
</tbody>
</table>

- Shown significant improvement in every sub-group as measured on the California Standards Test from 2006 to 2011; numbers equal percentage point growth in percent proficient

<table>
<thead>
<tr>
<th>Sub-group</th>
<th>ELA</th>
<th>Math</th>
</tr>
</thead>
<tbody>
<tr>
<td>English Learners</td>
<td>+12.8</td>
<td>+18.8</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>+6.6</td>
<td>+13.3</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>+6.4</td>
<td>+11.2</td>
</tr>
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</table>

Additionally, Newhall School received a Title One Academic Achievement Award in 2007.
## CALIFORNIA DEPARTMENT OF EDUCATION

### GENERAL WAIVER REQUEST

**First Time Waiver:** _X_

**Renewal Waiver:** ___

**GW-1 (Rev. 10-2-09) | http://www.cde.ca.gov/re/lr/wr/**

Send Original plus one copy to:

Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

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<th>6</th>
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</table>

### Local educational agency:

**Savanna Elementary School District on behalf of Holder School**

### Contact name and Title:

**Dr. Sue Johnson, Superintendent**

### Contact person’s e-mail address:

sue.johnson@savsd.org

### Address:

1330 S. Knott Ave. | Anaheim | CA | 92804

### Phone (and extension, if necessary):

714 236-3805

### Fax Number:

714 827-6167

### Period of request: (month/day/year)

From:  **July 1, 2011**  To:  **June 29, 2012**

### Local board approval date: (Required)

November 8, 2011

### Date of public hearing:  (Required)

November 8, 2011

### LEGAL CRITERIA

1. Under the general waiver authority of **Education Code** 33050-33053, the particular **Education Code** or **California Code of Regulations** section(s) to be waived (number):

   | 48350-48361 | Circle One: **EC** or **CCR** |

   **Topic of the waiver:** Open Enrollment Act - Criteria for identifying “Low-achieving schools”

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  _____  and date of SBE Approval______

   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No  _X_ Yes  If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):**  November 1, 2011

   **Name of bargaining unit and representative(s) consulted:**  Savanna District Teachers Association

   Mary Johnson Cajiao, President

   **The position(s) of the bargaining unit(s):**  __ Neutral  _X_ Support  __ Oppose (Please specify why)

   **Comments (if appropriate):** Savanna District Teachers Association strongly supports this waiver request to remove Holder School from the list of 1,000 “low-achieving schools”.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   **How was the required public hearing advertised?**

   ___ Notice in a newspaper  _X_ Notice posted at each school  ___ Other: (Please specify)
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request:  
Holder School Site Council  
November 7, 2011  

Were there any objection(s)? No X Yes ___  (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION  
GENERAL WAIVER REQUEST  
GW-1 (10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

- **Education Code 48352.** For purposes of this article, the following definitions apply:  
  (a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

  1. Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.

  2. In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

     A. A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.

     B. Court, community, or community day schools shall not be included on the list.

  (b) "Parent" means the natural or adoptive parent or guardian of a dependent child.

  (c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

  (d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

- **Title 5 CCR 4701.** Identification of Open Enrollment Schools.  
  a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only "10 percent" of a local educational agency's (LEA's) schools pursuant to the following methodology:

     1. the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;
     2. the list of 1,000 schools shall exclude the following: 

        A. schools that are court, community, or community day schools;

        B. schools that are charter schools;

        C. schools that are closed; and

        D. schools that have fewer than 100 valid test scores.

     3. an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and

     4. to produce the final list of 1,000 schools, the SSPI shall apply the following process:

        A. create a pool of schools:  

           1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Savanna School District, on behalf of Holder School, is requesting that Holder School not be identified as a “low-achieving school” and be removed from the list of 1,000 “low-achieving schools”.

Holder School received a 2011 API score of 781. The California Department of Education gave Holder School a similar school’s ranking of 9, a state indicator of success in 2010. It does not make sense for the State to deem Holder School successful using one criteria and “low-achieving” using another criteria.

Of the approximately 5,374 elementary schools in the State (this number excludes small schools), there are at least 1,853 that have lower API scores than Holder School. Many of those schools are not on the “low-achieving schools” list because their school districts already reached their 10% “cap”.

Savanna School District contends that the formula and system used to develop the list of 1,000 “low-achieving “ schools is flawed. When the formula states that only 10% of a district’s schools can be placed on the list, it penalizes small school districts such as the Savanna School District that has only four schools. Using the present formula, one of our schools has the strong likelihood of landing on this list, while a neighboring larger district has no elementary schools on the list (even though they have a large number of elementary schools with API scores lower than Holder School’s score) because they “capped out” with their middle and high schools!

The Savanna School District contends that if the state wants to publish a list of the 1,000 “low-achieving schools”, it should include the actual 1,000 schools with the lowest API scores. Holder School would, therefore, not be on this list.

It is unfair to the students, staff, and community of Holder School, to include Holder School on the list of 1,000 “low-achieving schools” in California, when Holder School is not a “low-achieving school”.

8. Demographic Information:

(District/school/program) has a student population of ___2325____ and is located in an urban area (urban, rural, or small city etc.) in ____Orange____ County.

<table>
<thead>
<tr>
<th>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</th>
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District or County Certification – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee: Dr. Sue Johnson</th>
<th>Title: Superintendent</th>
<th>Date: November 8, 2011</th>
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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**CALIFORNIA DEPARTMENT OF EDUCATION**  
**GENERAL WAIVER REQUEST**  
GW-1 (Rev. 10-2-09)  
http://www.cde.ca.gov/re/lr/wr/  

First Time Waiver: _X__  
Renewal Waiver: ____  

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814  

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov  

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</table>

**LOCAL EDUCATIONAL AGENCY:**  
Yucaipa-Calimesa Joint Unified School District  
On behalf of Dunlap Elementary School  

**Contact name and Title:**  
Linda Moffatt  
Director, K-12 Curriculum  

**Contact person’s e-mail address:**  
linda_moffatt@ycjusd.k12.ca.us  

**Address:**  
12797 Third Street  
Yucaipa  
CA  
92399  

**Phone (and extension, if necessary):**  
909-797-0174 (x129)  

**Fax Number:**  
909-790-6104  

**Period of request: (month/day/year)**  
From: July 1, 2011  
To: June 29, 2013  

**Local board approval date:**  
October 25, 2011  

**Date of public hearing:**  
October 25, 2011  

**LEGAL CRITERIA**

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 48352  
Circle One: EC or CCR  

**Topic of the waiver:**  
Removal of Dunlap Elementary School from the Open Enrollment List  

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _NA__ and date of SBE Approval _ NA__  
Renewals of waivers must be submitted two months before the active waiver expires.  

3. Collective bargaining unit information. Does the district have any employee bargaining units? _No_ _X_ Yes  
If yes, please complete required information below:  

**Bargaining unit(s) consulted on date(s):**  
October 11, 2011  

**Name of bargaining unit and representative(s) consulted:**  
Patrick Smith, Yucaipa Calimesa Education Association, president  

**The position(s) of the bargaining unit(s):**  
__ Neutral _X_ Support __ Oppose (Please specify why)  

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  

**How was the required public hearing advertised?**  
___ Notice in a newspaper _X__ Notice posted at each school ___ Other: (Please specify)  

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
Dunlap Elementary School Site Council Sub-committee  

**Date the committee/council reviewed the waiver request: **  
October 17, 2011  

**Were there any objection(s)?**  
No _X__ Yes ____
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

**Education Code 48352.** For purposes of this article, the following definitions apply:

(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

—(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.

—(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

—(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. (B) Court, community, or community day schools shall not be included on the list.

—(C) Charter schools shall not be included on the list.

(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.

(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

**Title 5 CCR 4701.** Identification of Open Enrollment Schools.

a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only “10 percent” of a local educational agency's (LEA's) schools pursuant to the following methodology:

(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;

(2) the list of 1,000 schools shall exclude the following:

(A) schools that are court, community, or community day schools;

(B) schools that are charter schools;

(C) schools that are closed; and

(D) schools that have fewer than 100 valid test scores.

3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number, and

4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.
Yucaipa-Calimesa Joint Unified School District (YCJUSD), with a district-wide API ranking of 788, is requesting to remove Dunlap Elementary School from the Open Enrollment List. Dunlap Elementary scored an API of 749 in 2008-09 and an API score of 768 in 2010-11. Dunlap Elementary has an SES population of 72%, with a similar schools ranking of 5 and a statewide ranking of 4. The school is currently in Program Improvement Year 2; however, Dunlap Elementary School has worked hard to improve the achievement of all students. The district is providing Dunlap Elementary with significant supplementary fiscal and curricular support which is being aimed at school-wide staff development, technology and intervention programs for students. Dunlap Elementary is the first school in the district to offer all-day kindergarten classes. Dunlap Elementary was the only elementary school in the district to offer Extended Year –Seven Week Summer program for low performing students. Dunlap Elementary offers before and after school homework assistance for students in grades 1-6. Dunlap Elementary has a full time Reading Specialist for low performing students. Dunlap Elementary recently installed a sound amplification system in all classrooms. Dunlap Elementary is a community school with significant parent support. Placing Dunlap Elementary School on the list when it is not one of the 1,000 lowest performing schools in the state creates a stigma of negativity that impacts students, staff, and community morale. By removing Dunlap Elementary from the Open Enrollment List, the school will maintain the same sense of pride and momentum of high academic achievement for all students that all schools in YCJUSD enjoy.

8. Demographic Information:
Dunlap Elementary School has a student population of __424__ and is located in a small city in San Bernardino County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No ☐ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☐ Yes ☐
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title: Director, K-12 Curriculum</th>
<th>Date: October 26, 2011</th>
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<tr>
<td>Linda Moffatt</td>
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CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

Local educational agency:
Yucaipa-Calimesa Joint Unified School District
On behalf of Valley Elementary School

Contact name and Title:
Linda Moffatt
Director, K-12 Curriculum

Contact person’s e-mail address:
linda_moffatt@ycjusd.k12.ca.us

Address:
12797 Third Street
Yucaipa
CA 92399

Phone (and extension, if necessary):
909-797-0174 (x129)

Fax Number: 909-790-6104

Period of request: (month/day/year)
From: July 1, 2011 To: June 29, 2013
Local board approval date:
December 13, 2011

Date of public hearing:
December 13, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 48352

Circle One: EC or CCR

Topic of the waiver:
Removal of Valley Elementary School from the Open Enrollment List

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _NA__ and date of SBE Approval _ NA__

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes

If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): November 29, 2011

Name of bargaining unit and representative(s) consulted:
Patrick Smith, Yucaipa-Calimesa Educators Association (YCEA) president

The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

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5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Valley Elementary School Site Council Sub-committee

Date the committee/council reviewed the waiver request: November 16, 2011

Were there any objection(s)? No _X_ Yes
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

**Education Code 48352.** For purposes of this article, the following definitions apply:

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4. to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Yucaipa-Calimesa Joint Unified School District (YCJUSD), with a district-wide API ranking of 788, is requesting to remove Valley Elementary School from the Open Enrollment List. Valley Elementary scored an API score of 771 in 2010-11. Valley Elementary has an SES population of 76%, with a similar schools ranking of 4 and a statewide ranking of 5. The school is currently in Program Improvement Year 2; however, Valley Elementary School has worked hard to improve the achievement of all students:

- Valley Elementary is a 2008 California Distinguished School
- In 2011, all significant subgroups’ API was greater than 720
- In 2010, Valley met AYP targets school-wide and for all significant subgroups out right or through Safe Harbor and as a result was “frozen” in Program Improvement Year 1.
- Since 2005 the overall API has increased by 25 API points while our Socioeconomically Disadvantaged subgroup has increased by 39 API points
- All teachers have now been trained in Direct Interactive Instruction and are receiving ongoing coaching support
- All teachers are implementing the district’s Academic Vocabulary and Summary Writing training/materials
- Valley’s schedule allows for weekly grade level collaboration time
- Valley is continuing to develop as a professional learning community
- Valley has increased the implementation of interactive educational technology in classroom instruction
- Valley has fully implemented Response to Intervention universal screenings and Tier 2/Tier 3 interventions, as well as progress monitoring of students participating in Tier 2 & 3 interventions
- Valley implements a school-wide targeted literacy intervention through Differentiated Instructional Time (DIT) for grades 3-6
- Targeted Math Intervention within the school day is provided for students in grades 3-6
- Valley has allocated Title I/staff resources toward providing in-school and afterschool targeted interventions
- The YCJUSD School Board recently approved the purchase of new adopted ELA instructional materials to replace the outdated 2000 ELA adoption materials which had been held in abeyance due to budget crisis
- Valley Elementary has a full time Reading Specialist for low performing students

The district is providing Valley Elementary with significant supplementary fiscal and curricular support which is being aimed at school-wide staff development, technology and intervention programs for students. Valley Elementary is a community school with significant parent support. Placing Valley Elementary School on the list when it is not one of the 1,000 lowest performing schools in the state creates a stigma of negativity that impacts students, staff, and community morale. By removing Valley Elementary from the Open Enrollment List, the school will maintain the same sense of pride and momentum of high academic achievement for all students that all schools in YCJUSD enjoy.

8. Demographic Information:

Valley Elementary School has a student population of ___678___ and is located in a small city in San Bernardino County.

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District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: Linda Moffatt
Title: Director, K-12 Curriculum
Date: December 16, 2011

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print): Staff Signature: Date:

Unit Manager (type or print): Unit Manager Signature: Date:

Division Director (type or print): Division Director Signature: Date:

Deputy (type or print): Deputy Signature: Date:
General Waiver

SUBJECT
Request by Santa Barbara High School District for a renewal to waive portions of California Education Code Section 51222(a), the statutory minimum of 400 minutes of physical education required each ten school days for students in grades seven through twelve in order to implement a block schedule at San Marcos High School.

Waiver Number: 32-12-2011

RECOMMENDATION

☑ Approval ☐ Approval with conditions ☐ Denial

Because this is a renewal, if approved, this waiver falls under the provision of California Education Code (EC) Section 33051(b), and the district will not be required to reapply annually if information contained on the request remains current.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

SBE Policy #99-03, Physical Education (PE) Requirements for Block Schedules last revised July 2006, establishes criteria for granting waivers related to PE instructional minutes for the purpose of implementing a block schedule. SBE Waiver Policy #99-03 is available for viewing on the California Department of Education (CDE) Waiver Policies Web page at http://www.cde.ca.gov/re/lr/wr/documents/pepolicy.doc. Many waivers have been granted under this policy.

This district meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle. Therefore, this waiver has been scheduled for the consent calendar. Santa Barbara High School District has a 2010 API of 808.

SUMMARY OF KEY ISSUES

Education Code Section 51222(a) established requirements for minimum instructional minutes of PE, 400 minutes every ten school days for pupils in grades seven through twelve.

San Marcos High School (HS) has implemented a block schedule that does not provide each student with PE instruction for a minimum of 400 minutes every ten school days.
SUMMARY OF KEY ISSUES (Cont.)

Students are enrolled in PE for only eighteen weeks of the school year, receiving instruction for 90 minutes per school day. This means that they teach PE 450 minutes per school week (or 900 minutes each ten days). Therefore, the actual time that San Marcos HS students are enrolled in PE exceeds the minimum minute’s requirement, if added on an annual basis.

<table>
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<th>Spring Term 18 Consecutive Weeks</th>
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<tr>
<td>Student A</td>
<td>Minutes per week of PE Instruction = 0</td>
<td>Minutes per week of PE Instruction = 450</td>
</tr>
<tr>
<td>Student B</td>
<td>Minutes per week of PE Instruction = 450</td>
<td>Minutes per week of PE Instruction = 0</td>
</tr>
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The CDE has worked closely with San Marcos HS to ensure that all criteria have been met to a high degree of completion. Santa Barbara High School District has provided evidence indicating they have met the criteria for this waiver which pertain to:

1. The district provided evidence that the physical education instructional program at the school requesting the waiver, complies with federal and state statutes and regulations related to physical education pertaining to the minutes requirement; provided instruction based on physical education content standards; and is aligned with the *Physical Education Framework* (sequential, articulated, age-appropriate instruction).

2. The district provided evidence that it has developed a physical education professional development plan for teachers who deliver instruction in physical education at that school.

3. The district provided evidence that students are enrolled in courses of physical education a minimum of 18 weeks in 80-90 minute daily class periods during the regular school year.

4. The district described a method by which it will monitor students’ maintenance of a personal physical activity program during the weeks the student is not participating in a physical education course at that school. The monitoring program includes: student accountability for their participation in physical activity; guidance for students in using the principles of exercise to design and complete their physical activity program; specific information regarding the design and delivery of the monitoring program.

5. The district provided information that demonstrates the physical education program complies with *California Code of Regulations, Title 5, Article 3.1, Section 10060*.

6. The district provided information that demonstrates that all eligible students are prepared for and participate in the physical performance testing as specified in *EC Section 60800*. 
SUMMARY OF KEY ISSUES (Cont.)

7. The district provided evidence that alternate day scheduling for physical education rather than alternate term scheduling has been thoroughly investigated.

When the district is identified for a Categorical Program Monitoring review by the CDE, San Marcos HS shall have PE reviewed as a part of the process.

The 2010–11 California Physical Fitness Test (PFT) data were reviewed and indicate that 53.6 percent of San Marcos HS’s grade nine students met six out of six fitness standards on each of the PFT items. This indicates a 4.3 percent increase from their 2009-10 results.

The Department recommends approval of this waiver on a permanent status. This is the second consecutive waiver granted to this district for the purpose of implementing a block schedule; therefore, EC 33051(b) will apply and, if approved, the district will not be required to reapply annually if information contained on the request remains current.

Demographic Information: Santa Barbara HS has a student population of 1,795 students and is located in a suburban area in Santa Barbara County.

Authority for Waiver: EC Section 33050

Period of request: August 1, 2011, through July 30, 2013

Local board approval date(s): December 13, 2011

Public hearing held on date(s): December 13, 2011

Bargaining unit(s) consulted on date(s): October 18, 2011

Name of bargaining unit/representative(s) consulted: Santa Barbara Teachers Association, Layne Wheeler, President and Michael Thrasher, Vice President

Position of bargaining unit(s) (choose only one):

☐ Neutral  ☑ Support  ☐ Oppose:

Comments (if appropriate):

Public hearing advertised by (choose one or more):

☑ posting in a newspaper  ☑ posting at each school  ☐ other (specify)

Advisory committee(s) consulted: San Marcos High School Site Council

Objections raised (choose one):  ☑ None  ☐ Objections are as follows:

Date(s) consulted: November 11, 2011
FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver will have no fiscal impact but it will allow the district local control in setting student schedules at the school.

ATTACHMENT(S)

Attachment 1: General Waiver Request (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  
Renewal Waiver:  X

Send Original plus one copy to:  Send Electronic copy in Word and 
Waiver Office, California Department of Education  back-up material to: waiver@cde.ca.gov
1430 N Street, Suite 5602
Sacramento, CA 95814

Local educational agency:  
Santa Barbara Unified School District

Contact name and Title:  
Marlin Sumpter

Contact person’s e-mail address:  
msumpter@sbsdk12.org

Address:  (City)  (State)  (ZIP)
720 Santa Barbara St  Santa Barbara  CA  93101

Phone (and extension, if necessary):  (805) 963-4338 ex. 6258
Fax Number: (805) 963-3521

Period of request:  (month/day/year)
From:  8/1/2011  To:  7/30/2013

Local board approval date:  (Required)
December 13, 2011

Date of public hearing:  (Required)
December 13, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 51222 (a)  Circle One:  EC or CCR

Topic of the waiver:  Physical Education

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 9-7-2009-WC-8 and date of SBE Approval_November 2009_______

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  No  X  Yes  If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):  October 18, 2011

Name of bargaining unit and representative(s) consulted:  Santa Barbara Teachers Association, Layne Wheeler, President and Michael Thrasher, Vice President

The position(s) of the bargaining unit(s):  Neutral  X  Support  __ Oppose  (Please specify why)

Comments (if appropriate):

4. Public hearing requirement:  A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

X  Notice in a newspaper  __  Notice posted at each school  __ Other:  (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
San Marcos High School Site Council

Date the committee/council reviewed the waiver request:  November 14, 2011

Were there any objection(s)?  No  X  Yes  (If there were objections please specify)
**CALIFORNIA DEPARTMENT OF EDUCATION**  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

6. *Education Code or California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

   EC Section 51222(a) – All pupils, except pupils excused or exempted pursuant to Section 51241, shall be required to attend upon the courses of physical education for a total period of time of not less than 400 minutes each 10 school days.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   San Marcos High School has been on a modified block schedule for 16 years. Regular review of the modified block schedule by the school community has consistently indicated that this schedule maximizes student performance. During the 2007-2008 and 2008-2009 school years, an alternating weekly program for 9th grade PE was piloted in order to be compliant with EC 51222(a). The School Improvement Committee reviewed the effectiveness of this program during the 2008-2009 school year and determined that the alternating weekly program was negatively impacting student performance. The waiver will allow 9th grade students greater access to the academic program as well as intervention programs while maintaining standards and ongoing monitoring for their physical fitness. *See attached pages for detailed description.*

8. Demographic Information:  
(District/school/program) San Marcos High School has a student population of _1795 and is located in a small city (urban, rural, or small city etc.) in _Santa Barbara County.

<table>
<thead>
<tr>
<th>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No ☐ Yes ☐</td>
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<table>
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<tr>
<th>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</th>
</tr>
</thead>
<tbody>
<tr>
<td>No ☐ Yes ☒</td>
</tr>
</tbody>
</table>

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Superintendent</td>
<td>12-13-11</td>
</tr>
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</table>

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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<thead>
<tr>
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<th>Staff Signature:</th>
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<tr>
<th>Unit Manager (type or print):</th>
<th>Unit Manager Signature:</th>
<th>Date:</th>
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<tr>
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California Department of Education
Executive Office
SBE-007 Federal (REV. 10/2009)

ITEM # W-7

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2012 AGENDA

☐ Federal Waiver

SUBJECT


Waiver Number: Fed-71-2011

☐ Action

☐ Consent

RECOMMENDATION

☐ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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.


The SBE has approved all waivers of this statute that have been presented to them to date.

SUMMARY OF KEY ISSUES

The criterion for qualifying for this waiver is demonstration that the LEA 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. Willits High School is located in Mendocino County and has a student population of 480. Willits Unified School District is seeking a waiver to function independently in order to meet the needs of the students in the district. The Department recommends approval of this waiver.
Authority for Waiver: Federal Waiver Authority (Public Law 109-270) Section 131(c)(2)

Period of request: July 1, 2011, to June 30, 2012
Period recommended: July 1, 2011, to June 30, 2015

Local board approval date(s): June 21, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable this district to receive an annual Perkins Act allocation of $14,101.00. The waiver has no significant effect on the distribution of Perkins Act funds statewide.

ATTACHMENT(S)

Attachment 1: Federal Waiver Request (1 page) (Original waiver request is signed and on file in the Waiver Office.)
CALIFORNIA DEPARTMENT OF EDUCATION  
FEDERAL WAIVER REQUEST  
FW-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/  

Send Original plus one copy to: Waiver Office, California Department of Education  
1430 N Street, Room 5602  
Sacramento, CA 95814  

Send electronic copy in Word and back-up material to: waiver@cde.ca.gov  

<table>
<thead>
<tr>
<th>Local educational agency:</th>
<th>Contact name and Title:</th>
<th>Contact person’s e-mail address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Willits Unified School District</td>
<td>Gordon Oslund, Principal Willits High</td>
<td><a href="mailto:goslund@mcoe.us">goslund@mcoe.us</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address:</th>
<th>Phone (and extension, if necessary):</th>
<th>Fax number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>120 Pearl Street, Willits, CA 95490</td>
<td>707-459-7700</td>
<td>707-459-7626</td>
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<table>
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<tr>
<th>Period of request:</th>
<th>Local board approval date:</th>
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<tr>
<td>From: July 1, 2011</td>
<td>To: June 30, 2012</td>
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<tr>
<th>LEGAL CRITERIA</th>
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<tr>
<td>2. Federal Code Section to be waived: 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.</td>
</tr>
</tbody>
</table>

Section 131(d)(2) of the Career and Technical Education and Improvement Act of 2006 permits states to waive the consortium requirement in any case in which the local agency:  
(a) is in a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs;  
(b) demonstrates it is unable to enter into a consortium to participate in the Perkins funding.  

Circle the NCES Locale Code for your school(s):  
31 32 33 41 42 43  

Please document your efforts:  

4. Demographic Information:  
Willits High School has a student population of 480 and is located in a rural (urban, rural, or small city etc. in Mendocino County.  

District or County Certification – I hereby certify that the information provided on this application is correct.  

Signature of Superintendent or Designee:  
Date:  
Title:  
Superintendent  

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY  

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</thead>
</table>
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2012 AGENDA

☒ Specific Waiver

SUBJECT
Request by Menifee Union Elementary School District to waive California Education Code Section 51224.5(b), the requirement that all students graduating in the 2011–12 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation, for two special education students based on Education Code Section 56101, the special education waiver authority.

Waiver Numbers: 12-12-2011

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 two students successfully complete a course in Algebra I (or its equivalent) for the 2011–12 graduating year. The students have met other course requirements stipulated by the governing board of the school district and California Education Code (EC) Section 51225.3 in order to receive a high school diploma. If the students do not graduate in 2011–12, this waiver does not relieve the students of the responsibility to continue to attempt to successfully complete a course in Algebra I (or its equivalent) in 2012–13 as required by EC Section 51224.5.

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 in 2003–04. All waiver requests of this type have been granted by the SBE for students with special needs.

This district meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle. Therefore this waiver has been scheduled for the consent calendar. Menifee Union Elementary School District has a 2010 API of 843.
SUMMARY OF KEY ISSUES

For the review of this waiver request, the district provided the following documentation:

- A valid, current copy of the students’ individualized education programs (IEPs) highlighting the areas of mathematic deficiencies and how the students’ needs in mathematics were addressed.

- Selected pages from the students’ IEPs from three previous years showing that the students were consistently on a diploma-track, and that the IEPs were written to support the students’ participation in diploma-track math courses, particularly Algebra.

- The specific assistance the district provided to these students which included supplementary aids, services, accommodations, test modifications, and supports to attain the diploma-track goal, specifically, for the Algebra requirement.

- A copy of the transcript for these students highlighting attempts to pass Algebra and pre-Algebra classes.

- An assessment summary that reports these students participated in the Standardized Testing and Reporting program and failed multiple attempts to meet graduation requirements related to the Algebra requirement.

The above documentation was confidentially reviewed by a CDE special education consultant. The local educational agency documentation provided facts indicating that failure to approve the request would result in these students not meeting graduation requirements.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Summary Table (1 Page)

Attachment 2: Menifee Union Elementary School District- Specific Waiver Request for Algebra I Requirement (1 Page) (Original waiver request is signed and on file in the Waiver Office.)
<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>Local Educational Agency</th>
<th>Demographics</th>
<th>Period of Request</th>
<th>Local Board Approval Date</th>
<th>Meets Streamlined Waiver Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>12-12-2011</td>
<td>Menifee Union Elementary SD</td>
<td>Menifee Union Elem SD has a student population of 8,867 and is located in a small rural city and in the unincorporated area of Riverside County.</td>
<td>8/15/2011 – 6/1/2012</td>
<td>12/13/2011</td>
<td>Yes API of 843</td>
</tr>
</tbody>
</table>
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

AIGR-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/

Waiver of Algebra I Graduation
Requirements for Pupils with Disabilities

Send Original to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency: Menifee Union School District

Contact name and recipient of approval/denial notice: Caroline Luke, Special Education

Contact person’s e-mail address: cluke@menifeeusd.org

Address: 30205 Menifee Road Menifee (City) CA (State) 92584 (ZIP) Phone (and extension, if necessary): 951-672-1851 x 274 Fax number: 951-672-6448

Period of request: (month/day/year) From: 08/15/2011 To: 06/1/2012 Local board approval date or SELPA signature date (required) 12/13/2011

LEGAL CRITERIA

1. Authority for the waiver: X Specific code section: EC 56101

56101(a) Any district, special education local plan area, county office, or public education agency, as defined in Section 56500, may request the board to grant a waiver of any provision of this code or regulations adopted pursuant to that provision if the waiver is necessary or beneficial to the content and implementation of the pupil's individualized education program and does not abrogate any right provided individuals with exceptional needs and their parents or guardians under...(IDEA)…or to the compliance of a district, special education local plan area, or county office with...(IDEA)…and federal regulations relating thereto.

(b) The board may grant, in whole or in part, any request pursuant to subdivision (a) when the facts indicate that failure to do so would hinder implementation of the pupil's individualized education program or compliance by a district, special education local plan area, or county office with federal mandates for a free, appropriate education for children or youth with disabilities.

Education Code or California Code of Regulations section to be waived.

51224.5 (a) The adopted course of study for grades 7 to 12, inclusive, shall include algebra as part of the mathematics area of study pursuant to subdivision (f) of Section 51220.

(b) Commencing with the 2003-04 school year and each year thereafter, at least one course, or a combination of the two courses, in mathematics required to be completed pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 51225.3 by pupils while in grades 9 to 12, inclusive, prior to receiving a diploma of graduation from high school, shall meet or exceed the rigor of the content standards for Algebra I, as adopted by the State Board of Education pursuant to Section 60605.

Desired outcome/rationale.

Request a waiver of the (above) Algebra I graduation requirement for _____2____ pupils with disabilities, who are seniors, and are otherwise eligible to graduate in the __2012_____ school year under current statute.

District/County/SELPA Certification – I hereby certify that the information provided on this application is correct & complete.

Signature of Superintendent or Designee: Title: Date:

Signature of SELPA Director (only if a Special Education Waiver) Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print): Staff Signature: Date:

Unit Manager (type or print): Unit Manager Signature: Date:

Division Director (type or print): Division Director Signature: Date:

Deputy (type or print): Deputy Signature: Date:
Specific Waiver

SUBJECT

Request by two local education 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 district's resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum).

Waiver Numbers: Sierra Sands Unified School District 1-11-2011
South Monterey County Joint Union 36-10-2011

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education recommends approval with the following conditions: the districts must provide instructional aide time of at least five hours daily whenever the resource specialist's caseload exceeds the statutory maximum caseload of 28 students by no more than four students (32 maximum), during the waiver's effective period, per California Code of Regulations, Title 5 (5 CCR), Section 3100(d)(2).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

California Education Code (EC) Section 56101 allows the State Board of Education (SBE) to waive any provision of EC or regulation if the waiver is necessary or beneficial when implementing a student individualized education program (IEP). California Code of Regulations, Title 5, specifically allows the SBE to approve waivers for resource specialists providing special education services to allow them to exceed the maximum caseload of 28 students by no more than four students. However, there are specific requirements in these regulations which must be met for approval, and if these requirements are not met, the waiver must be denied:

1. The requesting agency demonstrates to the satisfaction of the SBE: (A) that the excess resource specialist caseload results from extraordinary fiscal and/or programmatic conditions; and (B) that the extraordinary conditions have been resolved or will be resolved by the time the waiver expires.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION (Cont.)
(2) The waiver stipulates that an affected resource specialist will have the assistance of an instructional aide at least five hours daily whenever that resource specialist's caseload exceeds the statutory maximum during the waiver's effective period.

(3) The waiver confirms that the students served by an affected resource specialist will receive all of the services called for in their individualized education programs.

(4) The waiver was agreed to by any affected resource specialist, and the bargaining unit, if any, to which the resource specialist belongs participated in the waiver's development.

(5) The waiver demonstrates to the satisfaction of the SBE that the excess caseload can be reasonably managed by an affected resource specialist in particular relation to: (A) the resource specialist's pupil contact time and other assigned duties; and (B) the programmatic conditions faced by the resource specialist, including, but not limited to, student age level, age span, and the behavioral characteristics; number of curriculum levels taught at any one time or any given session; and intensity of student instructional needs.

The SBE receives about a dozen waivers of this type each year, and approximately 90 percent are approved. Due to the nature of this type of waiver, they are almost always retroactive.

**SUMMARY OF KEY ISSUES**

A resource specialist is a credentialed teacher who provides instruction and services to children with IEPs that are with regular education teachers for the majority of the school day. Resource specialists coordinate special education services with general education programs for his or her students.

Before recommending approval, the existing complaint/compliance database for each district requesting a caseload waiver is examined. If it appears that a particular local educational agency is requesting large numbers of waivers, or upon complaint from an individual resource specialist alleging that waiver conditions are not being followed, referrals are made to the Special Education Division for follow-up.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver(s) approval.

**ATTACHMENT(S)**

Attachment 1: Summary Table (1 Page)
Attachment 2: Sierra Sands Unified School District - Faller Elementary School; Specific Waiver Request for Resource Specialist Caseload (4 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: South Monterey County Joint Union High School District – Greenfield High School; Specific Waiver Request for Resource Specialist Caseload (4 Pages). (Original waiver request is signed and on file in the Waiver Office.)
<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>School District/ School</th>
<th>Name of teacher/ agrees to excess caseload?</th>
<th>Over statutory caseload for more than two school years?</th>
<th>Current aide time/aide time w/approved waiver?</th>
<th>Demographics</th>
<th>Period of Request</th>
<th>Local Board Approval Date</th>
<th>Bargaining Unit Consulted – Date</th>
<th>Position of Bargaining Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-11-2011</td>
<td>Sierra Sands USD</td>
<td>Theresa Blue</td>
<td>No</td>
<td>Before: 5.5 hrs/day</td>
<td>School is located in the city of Ridgecrest in Kern County w/479 student population</td>
<td>11/01/2011 – 06/07/2012</td>
<td>10/21/2011</td>
<td>11/28/11</td>
<td>Maureen Glennon, President, Desert Area Teachers Association</td>
</tr>
<tr>
<td></td>
<td>Faller Elementary School</td>
<td>Yes</td>
<td>Consulted 12/01/11</td>
<td>After: 5.5 hrs/day</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Support</td>
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<tr>
<td>36-10-2011</td>
<td>South Monterey County Joint UHSD</td>
<td>William Riddell</td>
<td>Yes</td>
<td>Before: 2 hrs/day</td>
<td>School is located in the city of Greenfield in Monterey County w/897 student population</td>
<td>08/03/2011 – 06/01/2011</td>
<td>10/12/2011</td>
<td>11/28/11</td>
<td>Tige Munoz,</td>
</tr>
<tr>
<td></td>
<td>Greenfield High School</td>
<td>Consulted 11/28/11</td>
<td>After: 6 hrs/day</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Support</td>
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</table>
### LOCAL EDUCATIONAL AGENCY

Sierra Sands Unified School District

### CONTACT NAME AND TITLE

Elaine Littleton
Executive Director, Sierra Sands SELPA

### ADDRESS

113 Felspar
Ridgecrest, CA 93555

### PHONE NUMBER

760-499-1703

### FAX NUMBER

760-446-1394

### PERIOD OF REQUEST

From: November 1, 2011 To: June 7, 2012

### LEGAL CRITERIA

1. Authority for the waiver:

   Education Code (EC) Section 56101, and California Code of Regulations (CCR), Title 5, Section 3100, resource specialist caseload waiver: "A school district, special education local plan area, county office of education or any other public agency providing special education or related services may request the State Board of Education to grant a waiver of the maximum resource specialist caseload, as set forth in EC Section 56362(c), only if the waiver is necessary or beneficial to either; (1) to the content and implementation of a pupil’s individualized educational plan (IEP) and does not abrogate any right provided individuals with exceptional needs by specified federal law or; (2) to the agency’s compliance with specified federal law."

2. Education Code Section to be waived: EC 56362 (c): No resource specialist shall have a caseload that exceeds 28 students.

   Note: the waiver request may be up to but no more than 4 students above the statutory caseload (32 students maximum).

3. Requesting a caseload waiver for: __1__ (number) of resource specialists.

   Please use separate SW-RSC form for Resource Specialist (RS) teachers who agree with the waiver request, and those who disagree with the waiver request.

   Resource specialist(s) name: Assigned school and mailing address:

   1. Theresa Blue __________________________; at Faller Elementary School
      1500 W. Upjohn Ave  Ridgecrest, CA 93555

   2. __________________________; at __________________________

   3. __________________________; at __________________________

   4. __________________________; at __________________________

   Please add list of additional teacher names and schools/district as needed.
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
SW-RSC (Rev. 6-23-2010)

Per CCR, Title 5, Section 3100(d)(4) participation of the resource specialist teacher’s bargaining unit is required in the waiver development.

Does (do) the resource specialist(s) belong to an employee bargaining unit(s)? ___ No    X Yes

If yes, please complete required information below:

Date(s) the bargaining unit(s) participated in the waiver development: October 18, 2011

Name of bargaining unit and/name of representative(s) consulted: Desert Area Teachers Association, Maureen Glennon, President

Telephone contact for bargaining representative: 760-375-5875

The position(s) of the bargaining unit(s): ___ Neutral   X Support   ___ Oppose (Please provide comments)

Comments (if appropriate):

Note: For each resource specialist attached page 3 of 4 SW-RSC waiver request to be completed by the Administrator and page 4 of 4 SW-RSC waiver request to be completed by the Resource Specialist.

Certification- I hereby certify that the information provided on this application is correct and complete. I also certify this waiver request will never result in the same resource specialist having a caseload in excess of the statutory maximum for more than two years and that this waiver request will result in the resource specialist(s) above having the assistance of an instructional aide at least 5 hours daily.

Signature of Superintendent or Designee: OR Title: Date:

Signature of SELPA Director: Date:

Note: If this waiver request comes from a SELPA Director, a vote by the district of COE governing board is not necessary. Please put the date of SELPA approval in the approval box on the first page of this waiver. This will speed processing.

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Is there a Complaint or Compliance issue regarding Resource Specialist for the LEA? Yes ___  No ___

Staff (Type or print): Staff (Signature): Date:

Unit Manager (Type or print): Unit Manager (Signature): Date:

Division Director (Type or print): Division Director (Signature): Date:

Deputy (Type or print): Deputy (Signature): Date:

SW-RSC (Rev. 6-23-2010)
## SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

1. **SELPA/District/COE Name:** Sierra Sands SELPA/Sierra Sands Unified School District

2. **Name of Resource Specialist**: Theresa Blue

3. **School/District Assignment:** Faller Elementary School

4. **Status:** X permanent ___ probational ___ temporary

5. **Number of students:** (caseload) proposed 32 students

6. **Full time Equivalent (FTE%):** 1 FTE

7. **Number of periods or hours taught by Resource Specialist:** ___ periods ___6_ hours

8. **Average number of students per hour taught:** 6.5

9. **Indicate amount of Instructional Aide Time 5 ½ (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):

   With the assistance of a 5 ½ hour paraprofessional and in discussion with the Faller Principal, and the RSP teacher, the District believes that each student’s individualized educational program (IEP) will be fully implemented. If it appears that the increase in caseload is hindering the RSP teacher’s ability to fully implement each student’s IEP, additional paraprofessional time will be added.

10. **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):** Eight of the students on this RSP teacher’s caseload are in 5th grade and will be moving up to middle school. The District will closely monitor in-coming students at this site to determine if there is a need for another FTE at the RSP position.

---

**Certification – I hereby certify that the information provided on this application is correct and complete.**

<table>
<thead>
<tr>
<th>Administrator/Designee Name (Type or print):</th>
<th>Title:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elaine Littleton</td>
<td>Executive Director, Sierra Sands SELPA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Authorized/Designee Signature:</th>
<th>Date:</th>
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<tbody>
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<table>
<thead>
<tr>
<th>Telephone number (and extension):</th>
<th>Fax Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>760-499-1703</td>
<td>760-446-1394</td>
</tr>
</tbody>
</table>

*Resource Specialist as defined in EC Section 56362.5*
**SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD**  
To be completed by the RESOURCE SPECIALIST (Teacher)

<table>
<thead>
<tr>
<th>Name: Theresa Blue</th>
<th>Assigned at: Faller Elementary School</th>
</tr>
</thead>
</table>

1. Is the information in Items 1-9 on the attached SW-RSC-Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?  
   - YES X  NO ___  If not, please state where you believe these facts or numbers differ:

2. Will all students served received all of the services called for in their IEP’s? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Explain below.  
   Yes, I can manage the caseload. My groups are broken into grade level and within that we are able to define groups by need.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Explain below.  
   Yes. I am able to meet all deadlines associated with both my caseload and my adjunct duties.

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:  
   - X I did not have a student caseload of more than 28 during the last school year.  
   - ___ I did have a student caseload of more than 28 during the last school year.  
     If yes, please respond below:  
     - (a) Did you have an approved waiver for this caseload?  
     - (b) Specify which months/weeks you were over caseload: ___ to ___  
     - (c) Other pertinent information?  
     - ___ I have had a student caseload of **more than 28** for **MORE than** Two consecutive years.

| Instructional Aide time currently receiving 5 ½ Hours (prior to increased caseload). | Any additional aide time with this waiver?  
---|---|
| Total hours after increase. Not at this time. Will increase with need. |

Resource Specialist Signature:  

Date Signed:  

Telephone/extension:  

Fax Number:  

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD

SW-RSC (Rev. 6-23-2010)  http://www.cde.ca.gov/re/lr/wr/

Local educational agency:  
So. Monterey Co Joint Union High School District

Contact name and Title:  
Jo Quinn, Special Education Director

Contact person’s e-mail address:  
jquinn@kingcity.k12.ca.us

Address:  
800 Broadway St.  King City, CA 93930

City:  
King City

Zip:  
93930

Phone (and extension, if necessary):  
(831) 385-0606 x 4458

Fax number:  
(831) 385-0695

Period of request:  
(month/day/year)

From: 08/03/11 To: 6/1/11

10-12-11

Date approved by district board or COE board, SELPA, or other public education agency as defined by EC Section 56500.

LEGAL CRITERIA

1. Authority for the waiver:

   Education Code (EC) Section 56101, and California Code of Regulations (CCR), Title 5, Section 3100, resource specialist caseload waiver: “A school district, special education local plan area, county office of education or any other public agency providing special education or related services may request the State Board of Education to grant a waiver of the maximum resource specialist caseload, as set forth in EC Section 56362(c), only if the waiver is necessary or beneficial to either; (1) to the content and implementation of a pupil’s individualized educational plan (IEP) and does not abrogate any right provided individuals with exceptional needs by specified federal law or; (2) to the agency’s compliance with specified federal law.”

2. Education Code Section to be waived: EC 56362 (c): No resource specialist shall have a caseload that exceeds 28 students.

   Note: the waiver request may be up to but no more than 4 students above the statutory caseload (32 students maximum).

3. Requesting a caseload waiver for: ___1___ (number) of resource specialists.

Please use separate SW-RSC form for Resource Specialist (RS) teachers who agree with the waiver request, and those who disagree with the waiver request.

   Resource specialist(s) name:  

   Assigned school and mailing address:

   1. ___ William Riddell  
      : at Greenfield High School 225 S. El Camino Real, Greenfield, CA 93927

   2. ___ _____:

   3. ___ _____:

   4. ____________________________:

Please add list of additional teacher names and schools/district as needed.
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
SW-RSC (Rev. 6-23-2010)

<table>
<thead>
<tr>
<th>Per CCR, Title 5, Section 3100(d)(4) participation of the resource specialist teacher’s bargaining unit is required in the waiver development.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does (do) the resource specialist(s) belong to an employee bargaining unit(s)? ___ No <em>x</em> Yes</td>
</tr>
<tr>
<td>If yes, please complete required information below:</td>
</tr>
<tr>
<td>Date(s) the bargaining unit(s) participated in the waiver development: 9/29/11</td>
</tr>
<tr>
<td>Name of bargaining unit and/name of representative(s) consulted: King City Joint Union High School District Teachers Association, Tige Munoz, Social Studies Teacher King City High School/Greenfield High School</td>
</tr>
<tr>
<td>Telephone contact for bargaining representative: <a href="mailto:tigemunoz@yahoo.com">tigemunoz@yahoo.com</a></td>
</tr>
<tr>
<td>The position(s) of the bargaining unit(s): ___ Neutral <em>x</em> Support ___ Oppose (Please provide comments)</td>
</tr>
<tr>
<td>Comments (if appropriate):</td>
</tr>
<tr>
<td>If it is ok with Joann Masters, [Dept. Head] it is ok with us.</td>
</tr>
</tbody>
</table>

Note: For each resource specialist attached page 3 of 4 SW-RSC waiver request to be completed by the Administrator and page 4 of 4 SW-RSC waiver request to be completed by the Resource Specialist.

Certification: I hereby certify that the information provided on this application is correct and complete. I also certify this waiver request will never result in the same resource specialist having a caseload in excess of the statutory maximum for more than two years and that this waiver request will result in the resource specialist(s) above having the assistance of an instructional aide at least 5 hours daily.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee: OR</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Bernard [sig]</td>
</tr>
<tr>
<td>Title: State Administrator</td>
</tr>
<tr>
<td>Date: 12/12/11</td>
</tr>
</tbody>
</table>

Signature of SELPA Director: Date:

Note: If this waiver request comes from a SELPA Director, a vote by the district of COE governing board is not necessary. Please put the date of SELPA approval in the approval box on the first page of this waiver. This will speed processing.

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Is there a Complaint or Compliance issue regarding Resource Specialist for the LEA? Yes ___ No X

<table>
<thead>
<tr>
<th>Staff (Type or print):</th>
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<tbody>
<tr>
<td>Staff (Signature):</td>
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<td>Date:</td>
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<tr>
<th>Unit Manager (Type or print):</th>
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<td>Unit Manager (Signature):</td>
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<td>Date:</td>
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<tr>
<th>Division Director (Type or print):</th>
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<td>Division Director (Signature):</td>
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<td>Date:</td>
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<tr>
<th>Deputy (Type or print):</th>
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<tr>
<td>Deputy (Signature):</td>
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<tr>
<td>Date:</td>
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</table>
**SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD**  
To be completed by the ADMINISTRATOR

<p>| | |</p>
<table>
<thead>
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<th></th>
<th></th>
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<tbody>
<tr>
<td><strong>1.</strong> SELPA/District/COE Name:</td>
<td><strong>2.</strong> Name of Resource Specialist*:</td>
</tr>
<tr>
<td><strong>3.</strong> School/District Assignment:</td>
<td><strong>4.</strong> Status:</td>
</tr>
<tr>
<td>Greenfield High School</td>
<td>X permanent ___ probationary ___ temporary</td>
</tr>
<tr>
<td><strong>5.</strong> Number of students:</td>
<td><strong>6.</strong> Full time Equivalent (FTE%):</td>
</tr>
<tr>
<td>(caseload) proposed 32_ students</td>
<td>1 FTE</td>
</tr>
<tr>
<td><strong>7.</strong> Number of periods or hours taught by Resource Specialist:</td>
<td><strong>8.</strong> Average number of students per hour taught:</td>
</tr>
<tr>
<td>4_ periods 5_ hours</td>
<td>14.5</td>
</tr>
<tr>
<td><strong>8.</strong> Indicate amount of Instructional Aide Time 5 (hours) to be provided to this resource specialist with this waiver.</td>
<td></td>
</tr>
<tr>
<td><strong>9.</strong> 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)(2):</td>
<td></td>
</tr>
<tr>
<td>Many of the students on the caseload are fully included in general education with consultation as the special education service. Resource Specialist has an assessment period to conduct consultation with general education teachers and manage his caseload. In addition, every week Wednesday afternoon is an early release day for students for collaboration. The special education department at Greenfield High School acts as a team and the other RSP teachers and Instructional Assistants will work together to be sure that students are served appropriately as per their IEPs.</td>
<td></td>
</tr>
<tr>
<td><strong>10.</strong> Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):</td>
<td></td>
</tr>
<tr>
<td>Hiring a qualified teacher at this time is unlikely, although the district will continue to seek an additional RSP teacher.</td>
<td></td>
</tr>
<tr>
<td><strong>11.</strong> Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1):</td>
<td></td>
</tr>
<tr>
<td>We intend to get accurate numbers of how many students we have and post positions based on accurate data early enough to hire a qualified RSP teacher before the end of this school year, for Fall 2012.</td>
<td></td>
</tr>
</tbody>
</table>

*Certification – I hereby certify that the information provided on this application is correct and complete.*

<table>
<thead>
<tr>
<th>Administrator/Designee Name (Type or print):</th>
<th>Title:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jo Quinn</td>
<td>Special Education Director</td>
</tr>
<tr>
<td><strong>Authorized/Designee Signature:</strong></td>
<td><strong>Date:</strong></td>
</tr>
<tr>
<td>Jo Quinn [sig]</td>
<td>10/5/11</td>
</tr>
<tr>
<td><strong>Telephone number (and extension):</strong></td>
<td><strong>Fax Number:</strong></td>
</tr>
<tr>
<td>(831) 385-0606 x4458</td>
<td>(831) 385-0695</td>
</tr>
</tbody>
</table>

*Resource Specialist as defined in EC Section 56362.5
**SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD**

To be completed by the RESOURCE SPECIALIST (Teacher)

<table>
<thead>
<tr>
<th>Name:</th>
<th>Assigned at:</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Riddell</td>
<td>Greenfield High School</td>
</tr>
</tbody>
</table>

1. Is the information in Items 1-9 on the attached SW-RSC-Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?  
   YES x   NO ___   If not, please state where you believe these facts or numbers differ:

2. Will all students served received all of the services called for in their IEP’s? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Explain below.  
   "Yes, with an aide, I will be able to serve all of my students through their IEPs and in the classroom."

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Explain below.  
   "Yes, I will manage my caseload during my RSP period and after school hours as needed."

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:  
   x I did not have a student caseload of more than 28 during the last school year.  
   ___ I did have a student caseload of more than 28 during the last school year. If yes, please respond below:  
   (a) Did you have an approved waiver for this caseload?  
   (b) Specify which months/weeks you were over caseload: ___ to ___  
   (c) Other pertinent information?  
   ___ I have had a student caseload of more than 28 for MORE than Two consecutive years.  
   Instructional Aide time currently receiving ___ Hours (prior to increased caseload).  
   Any additional aide time with this waiver? ___ Total hours after increase.

Resource Specialist Signature: William Riddell [sig]  
Date Signed: 10/4/11  
Telephone/extension: 831-674-2751 x615  
Fax Number:
CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2012 AGENDA

☐ General Waiver

SUBJECT

Request by San Juan Unified School District to waive the State Testing Apportionment Information Report deadline of December 31 in the California Code of Regulations, Title 5, Section 11517.5(b)(1)(A) regarding the California English Language Development Test.

Waiver Number: 14-11-2011

☐ Action

☐ Consent

RECOMMENDATION

☐ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved all waiver requests since the deadline for submission of the State Testing Apportionment Information Reports was added to the California Code of Regulations (CCR), and the SBE Waiver Policy 08-#: State Testing Apportionment Informational Report Deadline (available at http://www.cde.ca.gov/re/lr/wr/documents/statetesting.doc).

SUMMARY OF KEY ISSUES

The regulations for the State Testing Apportionment Information Report were amended in 2005 to include an annual deadline of December 31 for the return of the Apportionment Information Report for prior year testing for the California English Language Development Test (CELDT). The California Department of Education (CDE) sent letters in September 2005, announcing the new deadline in regulations to every LEA. This deadline was enacted to speed the process of final reimbursement of testing costs to the LEAs.

The LEA filing for this waiver request missed the 2009–10 fiscal year deadline for requesting reimbursement.

Staff at this LEA are now aware of this important change in the timeline and understand that they must submit their reports to the Assessment Development and Administration Division for reimbursement. Therefore, the CDE recommends the approval of this waiver request as required by regulation prior to final reimbursement.
Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2009, to June 30, 2010


Local board approval date(s): November 8, 2011

Public hearing held on date(s): October 25, 2011

Bargaining unit(s) consulted on date(s): September 9, 2011

Name of bargaining unit/representative(s) consulted: Various

Position of bargaining unit(s) (choose only one):

☐ Neutral  ☒ Support  ☐ Oppose:

Comments (if appropriate):

Public hearing advertised by (choose one or more):

☒ posting in a newspaper  ☐ posting at each school  ☐ Web site, post office, library, or board agenda

Objections raised (choose one): ☒ None  ☐ Objections are as follows:

Date(s) consulted: Various dates

FISCAL ANALYSIS (AS APPROPRIATE)

If the waiver is approved, the LEA will be reimbursed $23,955 for the costs of the CELDT for the 2009–10 school year.
ATTACHMENT(S)

Attachment 1: General Waiver Request – San Juan Unified School District (2 Pages)  
(Original waiver request is signed and on file in the Waiver Office.)

Attachment 2: California English Language Development Test (CELDT)  
LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the California Code of Regulations (CCR) section(s) to be waived (check one):
   ___ STAR – CCR, Title 5, Section 862(c)(2)(A) …postmarked by December 31…
   ___ CAHSEE – CCR, Title 5, Section 1225(b)(2)(A) …postmarked by December 31…
   X CELDT – CCR, Title 5, Section 11517.5(b)(1)(A) …postmarked by December 31…

2. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No  X Yes  If yes, please complete required information below. This requirement can be achieved with a telephone call. It is vital to complete this section as not consulting the bargaining units is a reason for denial of a general waiver request.

   Bargaining unit(s) consulted on date(s): 9-9-2011
   Name of bargaining unit and representative(s) consulted:
   The position(s) of the bargaining unit(s): ___ Neutral  X Support ___ Oppose (Please specify why)

3. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?  
   X Notice in a newspaper   ___ Notice posted at each school   ___ Other: (Please specify)

4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). (If more space is needed, please attach additional pages.)

5. Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future.

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: Title: Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print): Staff Signature: Date:

Unit Manager (type or print): Unit Manager Signature: Date:

Deputy (type or print): Deputy Signature: Date:
4. Office personnel did not submit the appropriate paperwork and did not discover the oversight until the expected apportionment would have been received in July.

5. Multiple office personnel have received notification of approximate dates the district should receive apportionments for the various tests to ensure apportionments are not missed. An electronic reminder has been set up for both the approximate arrival data of the apportionment as well as a reminder to call and ensure the Wavier office has received all required information. All apportionments will be mailed certified mail to ensure delivery. Electronic copies of all apportionments will be retained along with a hard copy to aid in tracking.
California English Language Development Test (CELDT)
Apportionment Information Report
2009-10 Report

Return Form To:
Kerri Wong, AGPA
Assessment, Accountability, and Awards Division
California Department of Education
1430 N Street, Suite #4202
Sacramento, CA 95814

California Department of Education
Assessment, Accountability, and Awards Division
MUST BE POSTMARKED BY DECEMBER 31, 2010

County Name: SACRAMENTO
County Code: 34
Charter Number: 0000
District Name: San Juan Unified
District Code: 67447

Title 5, Section 11517.5 of the California Code of Regulations specifies that each local educational agency (LEA) shall receive an Apportionment Information Report that shall include the number of pupils assessed with the CELDT as indicated by the number of answer documents submitted to and scored by the test contractor for each administration (July 1 through June 30). The superintendent of each school district must certify the accuracy of the apportionment information and submit the certified report to the California Department of Education, postmarked by December 31. If postmarked after December 31, the Apportionment Information Report must be accompanied by the State Testing Apportionment Information Report Waiver request as provided by California Education Code (EC) Section 33050. The amount of funding to be apportioned to the school district for the tests shall be calculated by multiplying the amount per administration established by the State Board of Education (SBE) to enable school districts to meet the requirement of EC Section 60851 by the number of pupils in the school district assessed with the CELDT during the previous fiscal year. Apportionment payments will be processed upon receipt of certified reports. Return the form by U.S. mail to the address above. Faxed reports will not be processed for payment. Keep a copy for your records.

<table>
<thead>
<tr>
<th>Annual Assessment</th>
<th>Initial Assessment</th>
<th>Total Tested</th>
<th>Apportionment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1 - October 31, 2009</td>
<td>Within 30 Days of Enrollment</td>
<td>July 1, 2009 – June 30, 2010</td>
<td>3860</td>
</tr>
</tbody>
</table>

Certification: I certify that the information provided on this form is accurate and that the district will maintain all related records to be available for audit purposes.
Specific Waiver

SUBJECT
Request by Tehama County Office of Education under the authority of California Education Code Section 41344.3 to waive Education Code Section 60119 and the resulting audit penalty of $6,306 regarding the annual public hearing and board resolution on the availability of textbooks and instructional materials for fiscal year 2010–11. Tehama County Office of Education held its hearing on June 29, 2011 rather than within eight weeks from the start of the school year.

Waiver Number: 33-11-2011

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

California Education Code (EC) Section 41344.3 allows the State Board of Education (SBE) to waive EC Section 60119 and the related audit penalty for county offices of education (COEs) provided that the noncompliance was minor and inadvertent. In the past, the SBE has required that the COE be compliant with all of the requirements of EC Section 60119 for the current fiscal year in order to receive a waiver.

Beginning in 2004, COEs were granted the authority to waive EC Section 60119 for school districts, however COEs must still request a waiver from the SBE.

Tehama COE has not had a prior audit finding and waiver of this type and was compliant with the requirements of EC Section 60119 in the current year (2011–12).

SUMMARY OF KEY ISSUES

In 2010–11, Tehama COE missed the deadline to hold a public hearing on the sufficiency of instructional material within the first eight weeks from the start of the school year as required by EC Section 60119. In prior years the hearing was organized by the Business Services Department, but the Assistant Superintendent underwent emergency surgery in August of 2011, just prior to retiring. Failure to schedule the hearing within the first eight weeks of school was an oversight, as the Tehama COE
SUMMARY OF KEY ISSUES (Cont.)

held public hearings and adopted the appropriate resolution within the required timeframe in prior years and has done so for the 2011–12 school year.

Tehama COE held a public hearing on the sufficiency of instructional materials on June 29, 2011 and adopted a resolution certifying the sufficiency of instructional material. The appropriate 10-day notice of the public hearing was provided, the public hearing notice was posted in three places within the County Office’s jurisdiction, and the hearing did not take place during or immediately following school hours. However, since the hearing did not occur before the end of the eighth week of school, Tehama COE received an audit finding disallowing its 2010–11 instructional material funding of $6,306.

Tehama COE held a public hearing on the sufficiency of instructional materials for the 2011–12 school year on September 21, 2011, which was prior to the eighth week of school, and adopted a resolution certifying the sufficiency of instructional materials. The Tehama COE has rectified its procedures and will ensure that the public hearing occurs prior to the eighth week of school in future years.

The Tehama COE provided each student with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks for both the 2010–11 and 2011–12 school years.

The California Department of Education recommends approval of this waiver.

Demographic Information: Tehama COE has a student population of 173 and is located in rural Tehama County.

Authority for Waiver: EC Section 41344.3

Period of request: July 1, 2010, to June 30, 2011

Local board approval date(s): November 16, 2011

Bargaining unit(s) consulted on date(s):
California School Employees Association (CSEA)–11/2/11
California Teachers Association (CTA)–11/14/11

Name of bargaining unit/representative(s) consulted:
CSEA–Jean Nevarez, Labor Relations Representative
CTA–Susan Silva, President

Position of bargaining unit(s) (choose only one):
☒ Neutral ☐ Support ☐ Oppose:

Comments (if appropriate):
FISCAL ANALYSIS (AS APPROPRIATE)

If this waiver request is not approved Tehama COE will have to pay $6,306, the entire amount of its instructional materials funding for 2010–11.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (2 pages) (Original Waiver is signed and on file in the Waiver Office)

Attachment 2: Copy of the Audit Finding for the 2010–11 Fiscal Year (1 page)
CALIFORNIA DEPARTMENT OF EDUCATION  
SPECIFIC WAIVER REQUEST  
SW-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/  

Instructional Materials Sufficiency  
Waiver of Retroactive Audit Penalty  
For Use By County Offices of Education  

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814  

Send electronic copy in Word and  
back-up material to: waiver@cde.ca.gov  

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<td>Tehama County Office of Education</td>
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<tr>
<td>Contact name and Title:</td>
<td>Kate Lane, Assistant Superintendent, Business Services</td>
</tr>
<tr>
<td>Contact person’s e-mail address:</td>
<td><a href="mailto:klane@tehamaschools.org">klane@tehamaschools.org</a></td>
</tr>
<tr>
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<tr>
<td>1135 Lincoln Street/P.O. Box 689, Red Bluff, CA 96080</td>
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<tr>
<td>Phone (and extension, if necessary):</td>
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<tr>
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<td>From: July 1, 2010</td>
<td>To: June 30, 2011</td>
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*NOTE: Put in the fiscal year of the audit finding, use a separate form if more than one year.

**LEGAL CRITERIA**

**Authority for the waiver:**  *Education Code (EC) Section 41344.3:* Notwithstanding subdivision (c) of Section 41344 or any other provision of law, the State Board of Education may, upon a finding that violations were minor or inadvertent and the intent of Section 60119 was substantially met, consider and act upon requests to waive Section 60119 to the extent that a failure to comply with that section would otherwise subject the school district to a repayment due to an apportionment significant audit. The board may act on requests to waive Section 60119 regardless of whether the request was received before or after the effective date of this section.

1. **Education Code or California Code of Regulations**  
   Section to be waived: *Education Code (EC) Section 60119*  
   Brief Description of the topic of the waiver:  
   To waive minor and inadvertent portions of EC 60119 regarding the required public hearing, a local board resolution, 10 day notice of public hearings, notice of hearing posted in three public places, that the public hearing not take place during or immediately following school hours, the public hearing was held on or before the end of the eighth week of the school year, a written determination was made as to whether each pupil enrolled in a foreign language or health course had sufficient textbooks or instructional materials that were consistent with the content and cycles of the curriculum frameworks adopted by the state board of education for those subjects and/or determination of the availability of laboratory science equipment as applicable to science laboratory courses offered in grades 9 to 12, inclusive.

2. **Collective bargaining unit information.**  
   Does the county office of education have any employee bargaining units?  
   ___ No  ___ x Yes  
   If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):**  
   California School Employees Association (CSEA) 11/2/11  
   California Teachers Association (CTA) 11/4/11

   **Name of bargaining units and representative(s) consulted:**  
   CSEA – Jean Nevarez; Labor relations representative  
   CTA – Susan Silva; President

   **The position(s) of the bargaining unit(s):**  
   x ___ Neutral ___ Support ___ Oppose (Please specify information)

   **Comments (if appropriate):**

   **Required attachments:**

   1. Copy of audit finding.  
   2. Response to audit finding.  
   3. Copy of your board resolution for the audited year, if any.  
   4. Copy of this year’s resolution and proof of public hearing /with posted date and location to prove a “legally compliant hearing” has been held.  
   5. If this is the second time you have had this finding, please call the Waiver Office immediately at (916) 319-0824.  
   6. Completed List of Instructional Materials Being Used form.
CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST
SW-1 (Rev. 10-2-2009)

Education Code or California Code of Regulations section to be waived.

60119. Hearings: steps to ensure availability of textbooks and instructional materials
Pick the appropriate minor and inadvertent audit finding, and delete others not pertaining to your request.

__ (1) (A) The governing board shall hold 1 public hearing or hearings at which the governing board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the district has sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted pursuant to Section 60605 in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the state board.

__ (b) The governing board shall provide 2 10 days’ notice of the public hearing or hearings set forth in subdivision (a). The notice shall contain the time, place, and purpose of the hearing and

__ shall be posted in 3 three public places in the county office of education’s jurisdiction and

__ shall not 4 take place during or immediately following school hours and

_x_ the public hearing was held on or before the end of the eighth week of the school year and

__ the governing board made a written determination was made as to whether each pupil enrolled in a foreign language or health course had sufficient textbooks or instructional materials that were consistent with the content and cycles of the curriculum frameworks adopted by the state board of education for those subjects and

__ the governing board determined of the availability of laboratory science equipment as applicable to science laboratory courses offered in grades 9 to 12, inclusive.

Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary.
Please attach a full explanation of the situation that caused this audit finding.

The department hopes to be held harmless from funding cuts by processing this waiver request. The hearing is normally organized by the Business Services Department but the Assistant Superintendent underwent emergency surgery in August of 2011, just prior to retirement. As a result, the transition was not as smooth as planned.

County certification – I hereby certify that the information provided on this application is correct and complete.

Signature of superintendent or designee: [Name]
Title: County Superintendent
Date: 11/16/11

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print): [Name]
Staff Signature: [Signature]
Date: [Date]

Unit Manager (type or print): [Name]
Unit Manager Signature: [Signature]
Date: [Date]

Division Director (type or print): [Name]
Division Director Signature: [Signature]
Date: [Date]

Deputy (type or print): [Name]
Deputy Signature: [Signature]
Date: [Date]
**2011-1 Code: 40000 State Compliance**

The required public hearing and adoption of a board resolution on sufficiency of textbooks or instructional materials were not done before the end of the 8th week of school.

**Specific Requirement:** Education Code (E.C.) Section 60119(a)(1)(A) states, in part, that “The governing board shall hold a public hearing or hearings at which the governing board shall encourage participation...in the affairs of the school district...and shall make a determination, through a resolution, as to whether each pupil has sufficient textbooks or instructional materials....”

In addition, E.C. 60119(a)(1)(B) says, in part, that “The public hearing shall take place on or before the end of the eighth week from the first day pupils attend school for that year....”

E.C. 60422.3(c) reiterates that “This section does not relieve school districts of the obligation to hold a public hearing or hearings pursuant to subparagraphs (A) and (B) of paragraph (1) of subdivision (a) of Section 60119.”

In support of E.C. 60422.3(c) above, E.C. 60421(b) states, in part, that “For the purposes of this chapter, the term “school district” means a school district or county office of education....”

**Condition:** The Department did not hold a public hearing and adopt a resolution regarding the sufficiency of textbooks or instructional materials until June 2011. Therefore, the Department did not comply with E.C. Section 60119(a)(1)(A) which says that “The public hearing shall take place on or before the end of the 8th week . . . .”

**Questioned Costs:** $6,306.00

**Context:** During our interim audit, at spring time, we asked for records of a public hearing and the relevant board resolution and discovered that the Department did not hold the required public hearing or adopt the pertinent resolution before the end of the 8th week of school. However, in June 2011, the Department did hold a public hearing and did adopt the required resolution. Furthermore, our records show that the Department complied with the applicable requirements at least three years previously, in 2007/08, 2008/09, and 2009/10.

**Effect:** The full amount, $6,306.00, of Instructional Materials Funding Realignment Program allowance may be disallowed in accordance with the 2010/11 Audit Guide. The Department may be asked to return to the State the $6,306.00 funding – unless the State grants a specific waiver.

**Cause:** Unknown.

**Recommendation:** The Department should seek a waiver of the before-the-end-of-the-8th-week public hearing requirement of E.C. 60119 by submitting Form SW-1, Specific Waiver Request, to the State, based on these grounds: (a) the public hearing and resolution were done, though delayed, (b) the prior omissions were purely inadvertent, and (c) the Department was in compliance in prior years.

**Department Response:** The Department has submitted a Specific Waiver Request to the State. The waiver request is reportedly scheduled for consideration on the March 2012 agenda of the State Board of Education. The Department ensured the required public hearing was held in a timely manner in the 2011/12 school year.
General Waiver

SUBJECT
Request by Johnstonville Elementary 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 to Oregon and Nevada to attend curricular and extracurricular trips/events and competitions.

Waiver Number: 56-12-2011

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval with conditions to waive a portion of California Education Code (EC) Section 35330(b)(3) to authorize expenditures of school district funds for students to travel to Oregon and Nevada to attend economically prudent curricular and extracurricular trips/events and competitions for Johnstonville Elementary School District (ESD).

Education Code Section 33051(b) will apply, and the district will not be required to reapply annually if information contained on the request remains current.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved all similar waivers in the past.

SUMMARY OF KEY ISSUES

EC Section 35330(b)(3) states, “...no expenses of pupils participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country authorized by this section shall be paid with school district funds.”

Johnstonville ESD requests a waiver of EC Section 35330(b)(3). Johnstonville ESD is located in the far north eastern part of California, approximately 80 miles from Reno, Nevada and 100 miles from Ashland, Oregon.

These venues are closer to Susanville than other urban areas in California and provide economical and unique educational opportunities not otherwise available.
SUMMARY OF KEY ISSUES (Cont.)

Based on the reasons provided by the district for traveling to Oregon and Nevada, CDE recommends approval of this waiver request to attend curricular and extracurricular trips/events and competition in Oregon and Nevada.

*Education Code* Section 33051(b) will apply as long as the conditions of the waiver remain the same.

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).* The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a school site council and the school site council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

**Demographic Information:** Johnstonville ESD has a student population of 200 and is located in a rural area in Lassen County.

**Authority for Waiver:** *EC Section 33050*

**Period of request:** October 1, 2011, to October 1, 2013

**Local board approval date(s):** December 14, 2011

**Public hearing held on date(s):** December 14, 2011

**Bargaining unit(s) consulted on date(s):** October 3, 2011

**Name of bargaining unit/representative(s) consulted:** Johnstonville Teachers Association, Freda Russell, President

**Position of bargaining unit(s) (choose only one):**

[ ] Neutral  [X] Support  [ ] Oppose:

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

[ ] posting in a newspaper  [X] posting at each school  [ ] other (specify)

Lassen County Office of Education, Johnstonville Quality Foods
Advisory committee(s) consulted: Johnstonville Site Council

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: October 11, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: General Waiver Request (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
### LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  
   Circle One: EC or CCR  
   **Topic of the waiver:** Out of State field trips

2. If this is a renewal of a previously approved waiver, please list Waiver Number: ______ and date of SBE Approval______  
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes  
   If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):** October 3, 2011  
   **Name of bargaining unit and representative(s) consulted:** Johnstonville Teachers Association – Freda Russell  
   **The position(s) of the bargaining unit(s):** __ Neutral _X_ Support __ Oppose (Please specify why)

   **Comments (if appropriate):**

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   **How was the required public hearing advertised?**  
   ___ Notice in a newspaper _X_ Notice posted at each school _X_ Other: (Please specify) **LCOE, Johnstonville Quality Foods**

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   **Date the committee/council reviewed the waiver request:** October 11, 2011

   **Were there any objection(s)?**  No _X_ Yes ___  (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a *strike out key*).

   EC 35330 – In conducting field trips and excursions, governing boards may NOT...use school funds to pay the expenses of pupils participating in a field trip or excursion to another state...

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   We would like to be able to pay for student admissions and costs of transportation to events in Nevada and Oregon. Many locations in Nevada and Oregon are considerably closer than other venues in California. We are only 80 miles from Nevada and 100 miles from Oregon.

8. Demographic Information:
   *(District/school/program) Johnstonville Elementary School* has a student population of __200__ and is located in a rural__(urban, rural, or small city etc.)__ in _Lassen_________ County.

   **Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**
   (If yes, please attach explanation or copy of audit finding)
   No X   Yes □

   **Has there been a Categorical Program Monitoring (CPM) finding on this issue?**
   (If yes, please attach explanation or copy of *CPM* finding)
   No X   Yes □

   **District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

   Signature of Superintendent or Designee:                     Title:                            Date:                     
   Superintendent                                                   10-19-11

   **FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

   Staff Name (type or print):                     Staff Signature:                     Date:                     
   Unit Manager (type or print):                     Unit Manager Signature:                     Date:                     
   Division Director (type or print):                     Division Director Signature:                     Date:                     
   Deputy (type or print):                     Deputy Signature:                     Date:                     

CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2012 AGENDA

General Waiver

SUBJECT
Request by Santee Elementary School District for a renewal to waive portions of California Education Code sections 17455, 17466, 17472, and 17475 and all of 17473 and 17474, specific statutory provisions for the lease of surplus property. Approval of the waiver would allow the District to lease a piece of property using a “request for proposal process”, thereby maximizing the proceeds from the lease of the former Santee School site (now unused property, buildings on the site have been demolished).

Waiver Number: 64-12-2011

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

The California Department of Education recommends approval with the following condition: that the proposal the governing board determines to be most desirable shall be selected within 30 to 60 days of the public meeting when the proposal is received, and the reasons for that determination shall be placed on the agenda and discussed in public session and included in the minutes of the meeting.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved all previous waivers regarding the bidding process and the sale or lease of surplus property. The District is requesting to waive the same provisions for the sale or lease of surplus property. The Santee Elementary School District requested a waiver for the Lease of Surplus Property, which was approved by the SBE at the March 2010 meeting.

SUMMARY OF KEY ISSUES

Under the provisions of Education Code (EC) sections 33050 through 33053, the District requests that specific portions of the EC relating to the sale or lease of district property be waived. The District believes that it will benefit substantially from the potential ongoing cash flow that will be generated by negotiated sale or lease arrangements. The District is aware of a potential tenant that is interested in undertaking negotiations to lease the property under conditions that may be developed through the negotiating process. Additionally, the District is requesting that the requirement of sealed proposals be waived and the oral bidding process be waived allowing the District to determine what constitutes the most “desirable” bid and set their
SUMMARY OF KEY ISSUES (Cont.)

own terms and conditions for the sale or lease of the surplus property. The District stated that it has complied with the surplus property requirements, regarding offers to public agencies and non-profits, specified in EC sections 17455 through 17475, but received no acceptable bids.

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). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

The flexibility in property disposition requested herein will allow the district to maximize revenue. There is no fiscal impact.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Santee Elementary School District – Former Santee School site General Waiver Request (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
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<th>School District</th>
<th>Property</th>
<th>Period of Request</th>
<th>Local Board Approval Date</th>
<th>Public Hearing Date</th>
<th>Bargaining Unit Consulted – Date</th>
<th>Position of Bargaining Unit</th>
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<td>Santee Elementary School District</td>
<td>Former Santee School Site (all buildings on the site have been demolished)</td>
<td>04/01/2012 to 04/30/2014</td>
<td>10/18/2011</td>
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CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/
First Time Waiver: ____
Renewal Waiver:  X

Send Original plus one copy to: Send Electronic copy in Word and
Waiver Office, California Department of Education back-up material to: waiver@cde.ca.gov
1430 N Street, Suite 5602 Sacramento, CA 95814

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<td>Santee School District</td>
<td>Karl Christensen</td>
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**LEGAL CRITERIA**

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): See Attachment Circle One: EC or CCR

Topic of the waiver: Surplus Real Property – Sale/Long-term Lease

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 8-12-1009-WC-6 and date of SBE Approval 3/11/2010

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No __ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): October 26, 2011

   Name of bargaining unit and representative(s) consulted:
   
   STA – Santee Teachers Association
   SAA – Santee Administrators Association
   CSEA – California School Employees Association
   
   STA (Allwyn Gazi); SAA (Debra Simpson); CSEA (Teresa Edgerton)

   The position(s) of the bargaining unit(s): _ ✓ Neutral _ ✓ Support __ Oppose (Please specify why)

   Comments (if appropriate): STA and SAA position is Support; CSEA position is Neutral.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?
   
   _ ✓ Notice in a newspaper   ___ Notice posted at each school   _ ✓ Other: (Please specify)

   Published in SDDT on 10-03-11   Posted in public locations throughout District

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Real Property Advisory Committee of Santee School District

Date the committee/council reviewed the waiver request: October 25, 2011

Were there any objection(s)? No _ ✓ Yes ____ (If there were objections please specify)
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   Portions of Education Code sections 17455, 17466, 17472, and 17475, and all of sections 17473 and 17474.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   See Attachment 7.

8. Demographic Information:

   The District has a student population of 6,182 and is located in Santee, a small city in San Diego County.

   Is this waiver associated with an apportionment related audit penalty? (per **EC 41344**)  
   No [x] Yes [ ]  
   (If yes, please attach explanation or copy of audit finding)

   Has there been a Categorical Program Monitoring (CPM) finding on this issue? No [x] Yes [ ]  
   (If yes, please attach explanation or copy of CPM finding)

   **District or County Certification – I hereby certify that the information provided on this application is correct and complete.**

   Signature of Superintendent or Designee: Karl Christensen  
   Title: Assistant Superintendent, Business Services  
   Date: November 28, 2011

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print):  
Staff Signature:  
Date:

Unit Manager (type or print):  
Unit Manager Signature:  
Date:

Division Director (type or print):  
Division Director Signature:  
Date:

Deputy (type or print):  
Deputy Signature:  
Date:
Attachment to Section 7:

The Santee School District is seeking to renew the previously granted waiver allowing it to lease a surplus school site (the former Santee School) through a negotiated lease with a suitable developer. The Santee School has been demolished, as the surrounding area is now mostly commercial. The District has previously (in 2006) attempted to sell the site through the statutory competitive bidding process set out in Education Code sections 17455-17475 and received no bids. In attempting to determine why no bids were received, the District has learned that most commercial property developers are reluctant to submit unconditional bids in a competitive process, and require a negotiated purchase agreement that can take into consideration necessary land use approvals from local government agencies and other critical contingencies. If the District goes through a second unsuccessful attempt to sell or lease the land through the procedures set out in Education Code sections 17455-17475, the market value of the property may be further depressed as a potential lessees become aware of the lack of competition in leasing the property. The District has entered into preliminary negotiations with a qualified developer who is interested in undertaking negotiations to lease the site under conditions that are being developed through the negotiating process.

Due to highly unfavorable market conditions over the past two years, the selected developer has not been able to proceed with the execution of a lease agreement. However, the District believes that market conditions will improve over the next one to two years, allowing a favorable lease to be negotiated within that time. Consequently, the Santee School District requests a two-year renewal of its waiver no. 8-12-2009-WC-6.
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2012 AGENDA

General Waiver

SUBJECT
Request by three districts to waive one or more of the following California Education Code sections related to bonded indebtedness limits: Sections 15102, 15106, 15268, and 15270(a). Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for high school and elementary school districts or 2.5 percent for unified school districts. Depending on the type of bond, a tax rate levy limit of $30 per $100,000 of assessed value for high school and elementary school districts or $60 per $100,000 for unified districts, may also apply.

Waiver Numbers: 29-10-2011 Hawthorne School District
79-12-2011 Folsom Cordova Unified School District
80-12-2011 Folsom Cordova Unified School District
62-12-2011 San Ysidro Elementary District

RECOMMENDATION

Approval with conditions

The California Department of Education recommends that the bonded indebtedness limits be waived with the condition that each district’s total bonded indebtedness as a percent of assessed valuation, does not exceed the percent shown on Attachment 1 and that the tax rate levied at the time of bond issuance does not exceed the amount shown on Attachment 1.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved all bond limit waiver requests limited to the sale of already authorized bonds and at the tax rate levy stated on the bond measure.

Note, the SBE has never approved a waiver that would allow the district to exceed the tax rate levy as stated on the bond measure.

SUMMARY OF KEY ISSUES

To raise funds to build or renovate school facilities, with voter authorization, school districts may issue general obligation (G.O.) bonds. Prior to 2001, districts needed a two-thirds approval. In November 2000, districts were given another option for authorizing
SUMMARY OF KEY ISSUES (continued)

and issuing bonds when California voters passed Proposition 39, which allows school bonds to be approved with a 55 percent majority vote if the district abides by several administrative requirements, such as establishing a committee to oversee the use of the funds. Once the G.O. bonds are authorized, school districts issue the bonds in increments needed to fund their facility projects.

When the voters authorize a local G.O. bond, they are simultaneously authorizing a property tax increase to pay the principal and interest on the bond. For Proposition 39 bonds, California Education Code (EC) sections 15268 and 15270(a) limits the tax rate levy authorized in each election to $30 per $100,000 of taxable property for high school and elementary school districts, and $60 per $100,000 for unified school districts. The EC does not provide tax rate levy limits for non-Proposition 39 bonds, however, an estimate of the tax rate levy required to repay the bonds is included in the voter pamphlet.

The EC also provides limits related to a district’s total bonded indebtedness. EC sections 15102 and 15268 limit an elementary or high school district’s total G.O. bond indebtedness to 1.25 percent of the total assessed valuation of the district’s taxable property, whereas EC sections 15106 and 15270(a) limit a unified school districts to 2.5 percent. The limits on total bonded indebtedness and on tax rate levies, as they apply to the districts requesting a waiver, are noted on Attachment 1.

Districts are requesting waivers of the EC sections pertaining to bonded indebtedness in order to issue bonds that voters have already approved. Because the limits are based on assessed valuation, it can have disparate effects on districts of similar types. For example, a district with high assessed valuation can issue more in G.O. bonds before reaching the limit than a district with a similar number of students and facility needs, but at a lower assessed valuation. Similarly, in the current time of declining property values, districts are seeing a decline in their bonding capacity.

Without a waiver, school districts that are close to their bonding capacity must issue fewer bonds, delay the issuance of bonds until their assessed valuation increases, or obtain other, more expensive, non-bond financing to complete their projects, the costs of which will be paid from district general funds. Therefore, CDE has historically recommended that the SBE approve related waiver requests. However, because it is CDE’s assumption that the average voter is unaware tax rate levy limits could be changed by the SBE through a waiver process, to ensure that a waiver approval does not have an adverse effect on local approval of future bond measures, CDE has always recommended that this waiver be approved on the condition that the statutory or estimated tax rate levies are not exceeded at the time the bonds are issued.

The Department has reviewed each waiver and the district’s schedule of assessed valuation and principal reduction to estimate the period of time that the waiver will be needed (noted on Attachment 1). The CDE recommends that the bonded indebtedness limits be waived with the condition that each district’s total bonded indebtedness as a percent of assessed valuation, does not exceed the percent shown on Attachment 1 and that the tax rate levy does not exceed the amount shown on Attachment 1.
FISCAL ANALYSIS (AS APPROPRIATE)

Approval of these waivers would allow the districts to accelerate the issuance of voter-approved bonds to avoid serious financial stress to the districts’ general fund.

ATTACHMENT(S)

Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (1 page)

Attachment 2: Hawthorne School District General Waiver Request (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Folsom Cordova Unified School District General Waiver Request (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Folsom Cordova Unified School District General Waiver Request (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: San Ysidro Elementary School District General Waiver Request (6 pages) (Original waiver request is signed and on file in the Waiver Office.)
## Districts Requesting Increase in Bond Indebtedness Limits

California Education Code (EC) sections 15102 and 15268 prohibit elementary and high school districts from issuing bonds in excess of 1.25 percent of the assessed valuation of a district’s taxable property. EC sections 15106 and 15270(a) prohibit unified school districts from issuing bonds in excess of 2.5 percent of the assessed valuation of a district’s taxable property. EC sections 15268 and 15270(a) limit bonds authorized by a 55 percent majority in elementary and high school districts to $30 per $100,000 of taxable property per election and unified school districts to $60 per $100,000.

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>Period of Request</th>
<th>Debt Capacity Limit and Average Tax Rate per $100,000 Assessed Valuation Required by Law or Noted on Voter Pamphlet (Current Maximum)</th>
<th>District’s Requested</th>
<th>CDE Recommended (New Maximum)</th>
<th>Bargaining Unit, Representatives Consulted, Date, and Position</th>
<th>Local Board and Public Hearing Approval Date</th>
<th>Advisory Committee(s) Consulted, Date, and Position</th>
<th>Previous Waivers</th>
<th>Fiscal Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>62-12-2011</td>
<td>San Ysidro Elementary School District</td>
<td>Requested: March 8, 2012 to June 30, 2022</td>
<td>1.25% 3.0% 3.0%</td>
<td>$100.00</td>
<td>$100.00</td>
<td>$100.00</td>
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<tr>
<td>80-12-2011</td>
<td>Folsom Cordova Unified School District</td>
<td>Requested: March 8, 2012 to December 31, 2018</td>
<td>2.5% 3.4% 3.4%</td>
<td>$60.00</td>
<td>$91.50</td>
<td>$60.00</td>
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<tr>
<td>79-12-2011</td>
<td>Folsom Cordova Unified School District</td>
<td>Requested: March 8, 2012 to December 31, 2025</td>
<td>2.5% 10.2% 10.2%</td>
<td>$73.61</td>
<td>$252.70</td>
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<td>62-12-2011</td>
<td>San Ysidro Elementary School District</td>
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<td>Folsom Cordova Unified School District</td>
<td>Requested: March 8, 2012 to December 31, 2021</td>
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<td></td>
<td>California School Employee Association, 12/9/11, Rick Willis, President, Folsom Cordova Education Association, 12/7/11, Michael Itkoff, President Support December 8, 2011 No Objections No Qualified</td>
<td></td>
<td></td>
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<tr>
<td>80-12-2011</td>
<td>Folsom Cordova Unified School District</td>
<td>Requested: March 8, 2012 to December 31, 2021</td>
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<td></td>
<td>California School Employee Association, 12/9/11, Rick Willis, President, Folsom Cordova Education Association, 12/7/11, Michael Itkoff, President Support December 8, 2011 No Objections No Qualified</td>
<td></td>
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<tr>
<td>62-12-2011</td>
<td>San Ysidro Elementary School District</td>
<td>Requested: March 8, 2012 to June 30, 2022</td>
<td></td>
<td></td>
<td></td>
<td>California School Employees Association San Ysidro Chapter 154, Adriana Garcia, President; San Ysidro Education Association, Carol Wallace, President Support/Neutral December 8, 2011 No Objections No Qualified</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

District Advisory Council, 10/17/11

Measure M Citizen Bond Oversight Committee, 12/5/11

Measure N Citizen Bond Oversight Committee, 12/5/11

Advisory Committee was not required September 2004 Positive
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency: Hawthorne School District
Contact name and Title: Dr. Helen Morgan, Superintendent
Contact person’s e-mail: hmorgan@hawthorne.k12.ca.us

Address: 14120 South Hawthorne Boulevard Hawthorne, CA 90250

Phone (and extension, if necessary): (310) 676-2276
Fax Number: (310) 675-9464

Period of request: From February 1, 2012 To December 1, 2017
Local board approval date: October 12, 2011
Date of public hearing: October 12, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 15102, 15268

Circle One: EC or CCR

Topic of the waiver: Limitation on Outstanding Bonded Indebtedness

2. If this is a renewal of a previously approved waiver, please list Waiver Number: N/A and date of SBE Approval N/A

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? No X Yes

If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): September 28, 2011, October 4, and 12, 2011

Name of bargaining unit and representative(s) consulted: Unit: Hawthorne Elementary Teachers Association Representatives: George Amaya, President; Ann Madsen, Vice-President, Scott Miller, Lead Negotiator; Thuy Tran, Executive Board Member.
Unit: Hawthorne Federation of Classified Employees Local #6041. Representative: Jose Medina, President

The position(s) of the bargaining unit(s): Neutral X Support Oppose (Please specify why)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

X Notice in a newspaper X Notice posted at each school X Other: (Please specify) District Office and website.

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: October 17, 2011 by the District Advisory Council comprised of representation from nine of the eleven School Site Councils

Were there any objection(s)? No X Yes (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a *strike out key*).

   **15102.** The total amount of bonds issued pursuant to this chapter and Chapter 1.5 (commencing with Section 15264) shall not exceed 1.25 percent of the taxable property of the school district or community college district, or the school facilities improvement district, if applicable, as shown by the last equalized assessment of the county or counties in which the district is located.

   **15268.** The total amount of bonds issued, including bonds issued pursuant to Chapter 1 (commencing with Section 15100), shall not exceed 1.25 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   The District requests that its Outstanding Bonded Indebtedness limit be increased to an amount not to exceed 1.55% until December 1, 2017. Due to decreases in assessed valuation of taxable property within the District, the District is currently unable to access its remaining general obligation authorization in the amount of $13,334,999 for its capital facilities needs. Current financial market conditions are favorable for a low interest cost bond issue, that may not be available by the year 2017, when the assessed valuation is projected to permit issuance of the remaining bond authorization. Current financial markets are also favorable for the refinancing of certain capital lease obligations of the District, permitting the District to repurpose lease payments for much-needed operations. Additionally, the District has bond anticipation notes maturing on November 15, 2012 that must be paid from the proceeds of general obligation bonds, unless further lease obligations are incurred. Approval of this waiver request would allow the District to meet the needs of its students while maintaining fiscal solvency. Please find attached a table representing Historical Assessed Values for Fiscal Years 2000-01 through 2011-12, a Summary of General Obligation Bond Indebtedness versus Projected Debt Limits, together with the Tax Rate Analysis. Based on the Tax Rate Analysis figures, the District anticipates that the tax rate will not exceed $30 per year per $100,000 of taxable property for the 2008 election, should the California Department of Education grant the waiver request.

8. Demographic Information:
   Hawthorne School District has a student population of 8,500 and is located in an urban area in Los Angeles County. The District serves an area of approximately seven square miles, including most of the City of Hawthorne and adjacent areas of unincorporated Los Angeles County.

   **Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No ☒ Yes ☐
   (If yes, please attach explanation or copy of audit finding)

   **Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐
   (If yes, please attach explanation or copy of CPM finding)

   **District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

   Signature of Superintendent or Designee: Superintendent  
   Title:  
   Date: October 19, 2011

---

 FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

<table>
<thead>
<tr>
<th>Staff Name (type or print):</th>
<th>Staff Signature:</th>
<th>Date:</th>
</tr>
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<tbody>
<tr>
<td>Unit Manager (type or print):</td>
<td>Unit Manager Signature:</td>
<td>Date:</td>
</tr>
<tr>
<td>Division Director (type or print):</td>
<td>Division Director Signature:</td>
<td>Date:</td>
</tr>
<tr>
<td>Deputy (type or print):</td>
<td>Deputy Signature:</td>
<td>Date:</td>
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</table>
### HAWTHORNE SCHOOL DISTRICT
### HISTORICAL ASSESSED VALUES
### FISCAL YEARS 2000-01 THROUGH 2011-12

<table>
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<tr>
<th>Fiscal Year</th>
<th>Secured</th>
<th>Unsecured</th>
<th>Total</th>
<th>% Change</th>
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</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>$1,998,728,161</td>
<td>$169,045,038</td>
<td>$2,167,773,199</td>
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<td>2001-02</td>
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<td>152,586,963</td>
<td>2,321,981,846</td>
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<td>2002-03</td>
<td>2,257,603,672</td>
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<td>2003-04</td>
<td>2,425,656,595</td>
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<td>2004-05</td>
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<td>125,651,044</td>
<td>2,723,666,889</td>
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<td>2006-07</td>
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<td>2007-08</td>
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<td>2009-10</td>
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<td>208,153,405</td>
<td>3,774,819,361</td>
<td>1.23</td>
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<td>2010-11</td>
<td>3,502,603,444</td>
<td>179,053,202</td>
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<td>2011-12</td>
<td>3,529,215,399</td>
<td>198,841,624</td>
<td>3,728,057,023</td>
<td>1.26</td>
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</table>

Source: Los Angeles County Auditor-Controller’s Office
# HAWTHORNE SCHOOL DISTRICT

## SUMMARY OF GENERAL OBLIGATION BOND INDEBTEDNESS VERSUS PROJECTED DEBT LIMITS

*(ANNUAL ASSESSED VALUATION GROWTH ESTIMATE: 0%)*

<table>
<thead>
<tr>
<th>A.V. Assumptions</th>
<th>Fiscal Year</th>
<th>Total Assessed Valuation</th>
<th>Bond Debt Limit (1.25%)</th>
<th>GO Bond Principal Outstanding as of Nov 15</th>
<th>Possible Series 2011 GO Bond Debt Issuance</th>
<th>G.O. Principal Debt Outstanding with Series 2011</th>
<th>Projected Bond Debt as % of A.V. with Series 2011</th>
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<tbody>
<tr>
<td>Actual</td>
<td>2010</td>
<td>$3,774,819,360</td>
<td>$47,185,242</td>
<td>$46,023,627</td>
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<td>Actual</td>
<td>2011</td>
<td>3,681,656,646</td>
<td>46,020,708</td>
<td>44,198,932</td>
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<td>Actual</td>
<td>2012</td>
<td>3,728,057,023</td>
<td>46,600,713</td>
<td>42,181,590</td>
<td>$13,334,999</td>
<td>$55,516,588</td>
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<td>2013</td>
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<td>46,600,713</td>
<td>40,107,856</td>
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<td>53,442,855</td>
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<td>2014</td>
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<td>46,600,713</td>
<td>37,950,333</td>
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<td>51,285,332</td>
<td>1.38</td>
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<tr>
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<td>2015</td>
<td>3,728,057,023</td>
<td>46,600,713</td>
<td>35,976,772</td>
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<td>49,311,771</td>
<td>1.32</td>
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<td>2016</td>
<td>3,728,057,023</td>
<td>46,600,713</td>
<td>33,876,463</td>
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<td>47,211,462</td>
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<td>2017</td>
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<td>46,600,713</td>
<td>31,971,911</td>
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<td>45,306,910</td>
<td>1.22</td>
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<td>2018</td>
<td>3,728,057,023</td>
<td>46,600,713</td>
<td>30,070,080</td>
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<td>43,405,079</td>
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<td>2019</td>
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<td>46,600,713</td>
<td>28,199,967</td>
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<td>41,534,965</td>
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<td>0.0%</td>
<td>2020</td>
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<td>46,600,713</td>
<td>26,329,091</td>
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<td>39,664,090</td>
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<td>Fiscal Year</td>
<td>Assessed Value</td>
<td>Projected Assessed Value Growth (%)</td>
<td>Projected Tax Rate Series 2008 G.O. Bonds</td>
<td>Projected Tax Rate Series 2011 G.O. Bonds</td>
<td>Projected Tax Rate Series 2012 G.O. Bonds</td>
<td>Total Combined Tax Rate All Election 2008 G.O. Bonds</td>
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<tr>
<td>-------------</td>
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<tr>
<td>2012</td>
<td>$3,728,057,023</td>
<td>1.26%</td>
<td>$439,638</td>
<td>$11.98</td>
<td>$100,930.77</td>
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CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST
GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver:  

Send Original plus one copy to: Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

Local educational agency: Folsom Cordova Unified School District
Contact name and Title: Rhonda Crawford, CFO/CBO
Contact person’s e-mail address: rcrawfor@fcusd.org

Address: 125 E. Bidwell Street
(City) Folsom
(State) CA
(ZIP) 95630

Phone (and extension, if necessary): 916-355-1100
Fax Number: 916-294-9020

Period of request: (month/day/year) From: 3/8/2012 To: 12/31/2021
Local board approval date: (Required) December 8, 2011
Date of public hearing: (Required) December 8, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 15106 and 15270(a)

2. If this is a renewal of a previously approved waiver, please list Waiver Number: N/A and date of SBE Approval______. Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes  
   If yes, please complete required information below:
   
   Bargaining unit(s) consulted on date(s): Please see attached.
   Name of bargaining unit and representative(s) consulted: Please see attached.
   The position(s) of the bargaining unit(s): __ Neutral X Support __ Oppose (Please specify why)
   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?
   
   X Notice in a newspaper ___ Notice posted at each school ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Measure M Citizen Bond Oversight Committee on December 5, 2011.

   Date the committee/council reviewed the waiver request:
   
   Were there any objection(s)? No X Yes ___ (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

15106. A unified school district or community college district may issue bonds that, in aggregation with bonds issued pursuant to Section 15270, shall not exceed 2.5 percent of the taxable property of the school district or community college district, or the school facilities improvement district, if applicable, as shown by the last equalized assessment of the county or counties in which the district is located. …

15270. (a) Notwithstanding Sections 15102 and 15268, any unified school district may issue bonds pursuant to this article that, in aggregation with bonds issued pursuant to Chapter 1 (commencing with Section 15100), may not exceed 2.5 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. …

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The District is seeking a waiver that will allow for the issuance of bonds under its approved 2007 Measure M bond authorization in amounts necessary to keep its program moving forward without interruption and without interim financing. Waiving the 2.5% debt capacity limit will allow the District some flexibility in the event of continued negative tax base growth in the short-term or long-term stagnation of the District’s tax base.

Continued, (see attached)

8. Demographic Information: District(school/program) has a student population of 19,100 and is located in an (urban, rural, or small city etc) in Sacramento County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No ☒ : Yes ☐

(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ : Yes ☐

(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: Title: Date: Chief Financial Officer/CBO

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print): Staff Signature: Date: 

Unit Manager (type or print): Unit Manager Signature: Date: 

Division Director (type or print): Division Director Signature: Date: 

Deputy (type or print): Deputy Signature: Date: 

California Department of Education  
General Waiver Request

Answer to Item #3:

<table>
<thead>
<tr>
<th>Name of Unit</th>
<th>Representative(s) Consulted</th>
<th>Date of Meeting</th>
</tr>
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<tbody>
<tr>
<td>California School Employees Association - American River Chapter #528</td>
<td>Rick Willis, President</td>
<td>12/9/2011</td>
</tr>
<tr>
<td>Folsom Cordova Education Association</td>
<td>Michael Itkoff, President</td>
<td>12/7/2011</td>
</tr>
</tbody>
</table>

Answer to Item #6:

…Continued…

**Purpose.** The Folsom Cordova Unified School District (the “District”) is seeking a waiver of Education Code Sections 15106 and 15270(a) related to the issuance of Measure M general obligation bonds. The purpose of the request is to increase the current 2.5% debt capacity limit up to a 10.2% debt capacity limit. This would increase the estimated average annual tax to $192.56. The waiver will allow the District to continue its construction program without interruption and without interim financing by enabling the District to issue bonds under its 2007 Measure M bond authorization in amounts necessary to keep its bond program moving forward. It is imperative to have school facilities ready before existing schools are impacted with overcrowding.

**Background.** The District is located in the eastern portion of Sacramento County and covers approximately 95 square miles. With an October 2011 enrollment of 19,250, the District’s enrollment is projected to double over the next 30 years. The District currently has 21 elementary schools, four (4) middle schools, three (3) comprehensive high schools, two (2) continuation high schools, one (1) charter school, and one (1) alternative education site. The District also maintains independent study, transitional kindergarten and preschool programs.

**Bond History.** In 1996, the District created two School Facility Improvement Districts (SFIDs) based on the two high school attendance areas at that time. SFID 1 was based on the Cordova High School boundary and SFID 2 was based on the Folsom High School boundary. In early 2006, the District created two additional SFIDs (SFID 3 and SFID 4) which overlay SFID 1 and a portion of SFID 2. A map illustrating the four areas is included as Exhibit A.

SFID 3 encompasses the area south of Highway 50, east of Sunrise Boulevard, north of Douglas Road, and east to the El Dorado County line. The majority of this area is sparsely inhabited by residential development; it is estimated by developers that the area will eventually contain over 32,327 new residential units; 20,603 single-family homes, 6,073 multi-family medium density units and 6,154 high density multi-family homes. It is imperative to have school facilities ready before existing schools are impacted with overcrowding.
Along with SB 50 developer fees and the state building program funding, Measure M provides for a 25-year facility plan for new schools in SFID 3.

SFID 4 - encompasses part of the City of Rancho Cordova and Mather without the proposed residential development east of Sunrise Boulevard that is covered by SFID 3. This area includes the residential developments occurring in Stone Creek, Capital Village and infill projects throughout the area.

<table>
<thead>
<tr>
<th>Bond</th>
<th>SFID</th>
<th>Year</th>
<th>Amount (in millions)</th>
<th>Votes in Favor</th>
<th>Purpose of Bond</th>
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<tr>
<td>Measure V</td>
<td>1</td>
<td>1997</td>
<td>$10.4</td>
<td>74.2%</td>
<td>Provide local matching share for modernization eligibility in the State School Building Program for most sites in SFID 1.</td>
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<tr>
<td>Measure B</td>
<td>1</td>
<td>2002</td>
<td>$49.0 (Prop 39)</td>
<td>73.0%</td>
<td>Continuation of modernization of school sites beyond the eligibility established in the School Building Program from Measure V, installation/upgrade of classroom technology.</td>
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<td>Measure C</td>
<td>2</td>
<td>2002</td>
<td>$53.0 (Prop 39)</td>
<td>68.6%</td>
<td>Construction of two elementary schools, one high school, modernization of SFID 2 schools, installation/upgrade of classroom technology.</td>
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<tr>
<td>Measure M</td>
<td>3</td>
<td>2007</td>
<td>$750.0</td>
<td>81.1%</td>
<td>Construction of up to 25-30 schools to house the projected 19,000 students, along with district support facilities.</td>
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<tr>
<td>Measure N</td>
<td>4</td>
<td>2006</td>
<td>$125.0 (Prop 39)</td>
<td>69.2%</td>
<td>A community initiated bond to address additional classroom technology, campus safety, landscape and building upgrades, and a major upgrade of the Cordova High campus including, replacement of old relocatable classrooms with a new 2-story classroom building, construction of a performing arts theater and a second gymnasium.</td>
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**Bond Program Status.** The voters within SFID 3 approved an authorization to issue $750,000,000 in general obligation bonds on March 27, 2007 (the “Authorization”) with approximately $705 million remaining unissued. Currently, the District may not issue any general obligation bonds under California Education Code without exceeding its statutory bonding capacity of 2.5%.

The District wishes to issue general obligation bonds in one or more series to provide financing for the construction of public school facilities.

Projects to be completed:
- Construction of a Career Technology Education and Alternative Education Center
- Site Acquisition and plan design for two elementary schools within the Glenborough development
- Site planning and building design for a new middle/high school facility
- Construction of an updated Maintenance Facility.

**Recent Decline in Tax Base.** The recent global economic downfall caused property values to decline in the District, which brought unprecedented declines in the District’s assessed value. After growing at an average of 8.22% per year for the first two years after the initial bond authorization, values decreased by 1.50% in 2009-10, decreased by 6.35% in 2010-11, and decreased again by 4.75% in 2011-12. The cumulative effect of the last three years of decreases
has been reduction in the size of the SFID’s tax base from $1.686 billion in 2008-09 to its current $1.554 billion.

**Available Bonding Capacity at Un-Waived Limit.** An increase to 10.2% will allow the District some flexibility in the event of continued negative tax base growth in the short-term or long-term stagnation of the District’s tax base. Given a fixed amount of $100 million of 2007 Measure M bonds to be issued and the assumption of positive tax base growth into the future, including the construction of new homes, businesses and a regional mall, the SFID 3 debt outstanding will drop below the current statutory limit of 2.5% by tax year 2025. The attached Exhibit B shows SFID 3’s available bonding.

**Potential of Program Suspension.** If the request is denied, the District will likely need to suspend its Measure M bond program and to proceed only to the extent that annual tax base growth and repayment of previously issued bonds allows. Such an alternative would have significant negative consequences on a number of fronts as described below.

**Cost and Disruption.** Suspending a program that has been ongoing would have obvious cost implications. The current bidding climate for construction projects is strong and the District has a construction management system in place. Suspending the program and re-starting the program in the future would be both costly and disruptive. Undoubtedly, there would be public criticism as well.

**Safety Issues.** In addition to being costly and disruptive, such a suspension would mean that students would be housed in relocatable facilities at existing sites that are to some degree inadequate and/or unsafe and that are certainly not the equal of facilities provided to other students in the District.

**Will of the People.** From a political standpoint, suspension of the program would deny voters the benefits of a program that they voted to implement. As is documented elsewhere in this request, voters have consistently demonstrated their support for facility bonds in the District and their willingness to pay for such improvements. Attached are campaign brochures and the ballot text for Measure M. Letters of support from the Citizens Oversight Committee, City of Folsom and City of Rancho Cordova are attached in Exhibit D.

**Impact on Local Economy.** Suspension of the bond program would also have a negative impact on the local economy. The District’s facility program employs many area residents and suspension of the program would result in significant job losses. Many economists continue to stress the importance of public agencies moving forward with construction projects during these difficult times as a means of economic stimulus.

**Summary Rationale and Conclusion.** The District is requesting this waiver in order for the District’s facility program to move ahead without interruption or interim financing. Continuation of the construction program is necessary if the District is to provide adequate and equal school facilities for all of its current and future students. The District notes that the construction programs have been overwhelmingly supported by voters over time and the public is well aware of its costs and willing to pay them. Furthermore, continuing the program will provide economic stimulus and avert job losses.
The District understands the importance of bonding capacity limitations and prudent debt management; however, given the recent tax base declines caused by the general economic climate, the District is requesting a waiver of bonding capacity to continue its bond program. The District requests that the CDE grant this waiver so that the District can move ahead with its voter-supported capital program and fulfill promises made to the voters.
CALIFORNIA DEPARTMENT OF EDUCATION  
GENERAL WAIVER REQUEST  
GW-1 (Rev. 10-2-09)  
http://www.cde.ca.gov/re/lr/wr/  
First Time Waiver: X  
Renewal Waiver: ___

Local educational agency:  
Folsom Cordova Unified School District

Contact name and Title:  
Rhonda Crawford, CFO/CBO

Contact person's e-mail address:  
r Crawford@fcusd.org

Address:  
125 E. Bidwell Street  
Folsom  
CA  
95630

Period of request: (month/day/year)  
From: 3/8/2012  
To: 12/31/2021

Local board approval date: (Required)  
December 8, 2011

Date of public hearing: (Required)  
December 8, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 15106 and 15270(a)  
Circle One: EC or CCR

Topic of the waiver:  
Statutory Bonding Capacity and Tax Rate per $100,000 of Assessed Valuation (Measure N)

2. If this is a renewal of a previously approved waiver, please list Waiver Number: N/A and date of SBE Approval______

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  X Yes  
If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): Please see attached.

Name of bargaining unit and representative(s) consulted: Please see attached.

The position(s) of the bargaining unit(s): __ Neutral  X  Support  __ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

X Notice in a newspaper  ___ Notice posted at each school  ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Measure N Citizen Bond Oversight Committee on December 5, 2011.

Date the committee/council reviewed the waiver request:

Were there any objection(s)? No  X  Yes  __ (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

**15106.** A unified school district or community college district may issue bonds that, in aggregation with bonds issued pursuant to Section 15270, shall not exceed 2.5 percent of the taxable property of the school district or community college district, or the school facilities improvement district, if applicable, as shown by the last equalized assessment of the county or counties in which the district is located.

**15270.** (a) Notwithstanding Sections 15102 and 15268, any unified school district may issue bonds pursuant to this article that, in aggregation with bonds issued pursuant to Chapter 1 (commencing with Section 15100), may not exceed 2.5 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. The bonds may only be issued if the tax rate levied to meet the requirements of Section 18 of Article XVI of the California Constitution in the case of indebtedness incurred pursuant to this chapter at a single election, by a unified school district, would not exceed sixty dollars ($60) per year per one hundred thousand dollars ($100,000) of taxable property—when assessed valuation is projected by the district to increase in accordance with Article XIII A of the California Constitution.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The District is seeking a waiver that will allow for the issuance of bonds under its voter-approved 2006 Measure N bond authorization in amounts necessary to keep its program moving forward without interruption and without interim financing. The District is requesting this waiver to give the District flexibility in its bonding capacity and tax rate until the year 2018. An increase in bonding capacity to 3.4% and a tax rate to $91.50 per $100,000 of assessed valuation will allow the District some flexibility in the event of continued negative tax base growth in the short-term or long-term stagnation of the District’s tax base.

Continued, (see attached)

8. **Demographic Information:**

*District/school/program* has a student population of **19,100** and is located in an (urban, rural, or small city etc) in **Sacramento** County.

<table>
<thead>
<tr>
<th>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</th>
<th>No ☒</th>
<th>Yes ☐</th>
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<td>(If yes, please attach explanation or copy of audit finding)</td>
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<table>
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<tr>
<th>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</th>
<th>No ☒</th>
<th>Yes ☐</th>
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<tr>
<td>(If yes, please attach explanation or copy of CPM finding)</td>
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**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title: Chief Financial Officer/CBO</th>
<th>Date:</th>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

<table>
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<th>Staff Name (type or print):</th>
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<td>Division Director (type or print):</td>
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<tr>
<td>Deputy (type or print):</td>
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California Department of Education
General Waiver Request

Answer to Item #3:

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Answer to Item #6:

…Continued…

**Purpose.** The Folsom Cordova Unified School District (the “District”) is seeking a waiver of Education Code Sections 15106 and 15270(a) related to the issuance of Measure N general obligation bonds. The purpose of the request is to increase the current 2.5% debt capacity limit up to a 3.4% debt capacity limit and an increase in the tax rate of $60 per $100,000 to $91.50 per $100,000 in assessed valuation. The waiver will allow the District to finish its modernization program without interruption and without interim financing by enabling the District to issue bonds under its 2006 Measure N bond authorization.

**Background.** The District is located in the eastern portion of Sacramento County and covers approximately 95 square miles. With an October 2011 enrollment of 19,250, the District’s enrollment is projected to double over the next 30 years. The District currently has 21 elementary schools, four (4) middle schools, three (3) comprehensive high schools, two (2) continuation high schools, one (1) charter school, and one (1) alternative education site. The District also maintains independent study, transitional kindergarten and preschool programs.

**Bond History.** In 1996, the District created two School Facility Improvement Districts (SFIDs) based on the two high school attendance areas at that time. SFID 1 was based on the Cordova High School boundary and SFID 2 was based on the Folsom High School boundary. In early 2006, the District created two additional SFIDs (SFID 3 and SFID 4) which overlay SFID 1 and a portion of SFID 2. A map illustrating the four areas is included as Exhibit A.

SFID 3 encompasses the area south of Highway 50, east of Sunrise Boulevard, north of Douglas Road, and east to the El Dorado County line. The majority of this area is sparsely inhabited by residential development; it is estimated by developers that the area will eventually contain over 32,327 new residential units; 20,603 single-family homes, 6,073 multi-family medium density units and 6,154 high density multi-family homes.

SFID 4 - encompasses part of the City of Rancho Cordova and Mather without the proposed residential development east of Sunrise Boulevard that is covered by SFID 3. This area includes the residential developments occurring in Stone Creek, Capital Village and infill projects throughout the area.
### Bond History

<table>
<thead>
<tr>
<th>Bond</th>
<th>SFID</th>
<th>Year</th>
<th>Amount (in millions)</th>
<th>Votes in Favor</th>
<th>Purpose of Bond</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measure V</td>
<td>1</td>
<td>1997</td>
<td>$10.4</td>
<td>74.2%</td>
<td>Provide local matching share for modernization eligibility in the State School Building Program for most sites in SFID 1.</td>
</tr>
<tr>
<td>Measure B</td>
<td>1</td>
<td>2002</td>
<td>$49.0 (Prop 39)</td>
<td>73.0%</td>
<td>Continuation of modernization of school sites beyond the eligibility established in the School Building Program from Measure V, installation/upgrade of classroom technology.</td>
</tr>
<tr>
<td>Measure C</td>
<td>2</td>
<td>2002</td>
<td>$53.0 (Prop 39)</td>
<td>68.6%</td>
<td>Construction of two elementary schools, one high school, modernization of SFID 2 schools, installation/upgrade of classroom technology.</td>
</tr>
<tr>
<td>Measure M</td>
<td>3</td>
<td>2007</td>
<td>$750.0</td>
<td>81.1%</td>
<td>Construction of up to 30 schools to house the projected 19,000 students, along with district support facilities.</td>
</tr>
<tr>
<td>Measure N</td>
<td>4</td>
<td>2006</td>
<td>$125.0 (Prop 39)</td>
<td>69.2%</td>
<td>A community initiated bond to address additional classroom technology, campus safety, landscape and building upgrades, and a major upgrade of the Cordova High campus including, replacement of old relocatable classrooms with a new 2-story classroom building, construction of a performing arts theater and a gymnasium.</td>
</tr>
</tbody>
</table>

### Bond Program Status.

The voters within SFID 4 approved an authorization to issue $125,000,000 in general obligation bonds on November 7, 2006 (the “Authorization”) with approximately $60 million remaining unissued. Currently, the District may not issue any general obligation bonds under California Education Code without exceeding its statutory bonding capacity of 2.5% and exceeding the tax rate of $60 per $100,000 of assessed valuation.

The District wishes to issue general obligation bonds in one or more series to provide financing for the completion of its modernization program outlined in the ballot text and campaign literature.

Projects to be completed:

- **Cordova High School improvements:**
  - Security improvements, including video surveillance and fencing
  - New theater arts and music building
  - Cafeteria modernization/enlargement
  - Modernization and reconfiguration of the old theater/music building into a project room, broadcast studio and site support services
  - Construction of a gymnasium
  - Landscape, site and ADA improvements
- Modernization of Mather Heights Elementary School
- Modernization of Kinney High School
- Modernization of the Community Education Center
- Site improvements such as turf and irrigation at various school sites
- Technology improvements at all sites
**Recent Decline in Tax Base.** The recent global economic downfall caused property values to decline in the District, which brought unprecedented declines in the District’s assessed value. In SFID 4, after growing at an average of 3.9% per year for the first two years after the initial bond authorization, values decreased by 2.86% in 2009-10, decreased by 5.03% in 2010-11, and decreased again by 5.48% in 2011-12. The cumulative effect of the last three years of decreases has been reduction in the size of the SFID’s tax base from $4.67 billion in 2008-09 to its current $4.45 billion.

**Available Bonding Capacity at Un-Waived Limit.** An increase in bonding capacity to 3.4% and an increase in the tax rate to $91.50 will allow the District some flexibility in the event of continued negative tax base growth in the short-term or long-term stagnation of the District’s tax base. Given a fixed amount of $60 million of 2006 Measure N bonds to be issued and the assumption of positive tax base growth into the future, the SFID 4 debt outstanding will drop below the current statutory limit of 2.5% by tax year 2018. The attached Exhibit B shows SFID 4’s available bonding.

**Potential of Program Suspension.** If the request is denied, the District will suspend its Measure N bond modernization program. Such an alternative would have significant negative consequences on a number of fronts as described below.

**Cost and Disruption.** Suspending a program that has been ongoing would have obvious cost implications. The current bidding climate for construction projects is strong and the District has a construction management system in place. Suspending the program and re-starting the program in the future would be both costly and disruptive. Undoubtedly, there would be public criticism as well.

For instance, Cordova High is in the middle of a four-year modernization project. As part of the phasing schedule the District moved ten relocatable classrooms onto the physical education hard court for use as temporary housing during each project phase. If the District is unable to issue bonds until 2018, the hard court area for the physical education program will be disrupted 8 to 10 years longer than anticipated, along with the construction of the new gymnasium. In addition to the new gymnasium, other planned facilities will be delayed causing some educational programs to not be offered for an extended period time.

Also, technology upgrades throughout Rancho Cordova will be disrupted if we are not able to issue bonds. All students in Rancho Cordova will not have access to equal technology.

**Safety Issues.** In addition to being costly and disruptive, such a suspension would mean that students and staff at Cordova High School would endure a much lengthier phased construction and miss opportunities associated with the new theater, music and gymnasium buildings.

**Will of the People.** From a political standpoint, suspension of the program would deny voters the benefits of a program that they voted to implement. As is documented elsewhere in this request, voters have consistently demonstrated their overwhelming approval of facility bonds in the District and their willingness to pay for such improvements. Additionally, there is strong support from the City of Rancho Cordova to continue with the improvement projects to the schools. A letter of support from the City of Rancho Cordova is attached in Exhibit D.

**Impact on Local Economy.** Suspension of the bond program would also have a negative impact on the local economy. The District’s construction program employs many area residents
and suspension of the program would result in significant job losses. Many economists continue to stress the importance of public agencies moving forward with construction projects during these difficult times as a means of economic stimulus.

**Summary Rationale and Conclusion.** The District is requesting this waiver because such a waiver is necessary in order to complete for the District’s modernization program. The District notes that the facility programs have been overwhelmingly supported by voters over time. The Citizens Oversight Committee fully supports the waiver and the increases in tax rate and bonding capacity. A letter of support is included in Exhibit D. Furthermore, continuing the program will provide economic stimulus and avert job losses.

The District understands the importance of bonding capacity limitations and prudent debt management; however, given the recent tax base declines caused by the general economic climate, the District will need a waiver of bonding capacity to continue its bond program. The District requests that the CDE grant this waiver so that the District can move ahead with its voter-supported capital program.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___  
Renewal Waiver: ___x__

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

Local educational agency:  
San Ysidro School District

Contact name and Title:  
Dena Whittington, Assistant  
Superintendent, Business Services

Address:  
4350 Otay Mesa Road  
San Ysidro  
CA  
92173

Period of request: (month/day/year)  
From:  3/8/2012  
To:  6/30/2022

Local board approval date: (Required)  
December 8, 2011

Date of public hearing: (Required)  
December 8, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  15102  
Circle One: EC or CCR

Topic of the waiver:  Exceed the bonded indebtedness limit for an elementary school district

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  19-7-2004  
and date of SBE Approval September 2004.

   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  
No   x  Yes  If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):  
   December 6, 2011

   Name of bargaining unit and representative(s) consulted:  
   California School Employees Association San Ysidro Chapter Number 154, Adriana Garcia, President.  
   San Ysidro Education Association, Carol Wallace, President.

   The position(s) of the bargaining unit(s):  
   x  Neutral   x  Support   __ Oppose (Please specify why)

   Comments (if appropriate):  
   California School Employees Association (See attached letter of support).  
   San Ysidro Education Association (Neutral).

4. Public hearing requirement:  A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?  
   X  Notice in a newspaper   X  Notice posted at each school   ___ Other: (Please specify)
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Beyer Elementary School Site Council
   La Mirada School Site Council

   Date the committee/council reviewed the waiver request: 1/11/2012

   Were there any objection(s)? No ___  Yes ___  (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

   Education Code Section 15102
   The total amount of bonds issued pursuant to this chapter and chapter 1.5 shall not exceed 1.25 percent of the taxable property of the school district or community college district, or the school facilities improvement district, if applicable, as shown by the last equalized assessment of the county or counties in which the district is located.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   See Attached.

8. Demographic Information:
   San Ysidro School District has a student population of 5,200 and is located in an urban city in San Diego County.

   Is this waiver associated with an apportionment related audit penalty? (per EC 41344)   No X Yes □
   (If yes, please attach explanation or copy of audit finding)

   Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes □
   (If yes, please attach explanation or copy of CPM finding)

   District or County Certification – I hereby certify that the information provided on this application is correct and complete.

   Signature of Superintendent or Designee: Title: Date:
<table>
<thead>
<tr>
<th>Role</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff Name (type or print)</td>
<td>Staff Signature:</td>
<td>Date:</td>
</tr>
<tr>
<td>Unit Manager (type or print)</td>
<td>Unit Manager Signature:</td>
<td>Date:</td>
</tr>
<tr>
<td>Division Director (type or print)</td>
<td>Division Director Signature:</td>
<td>Date:</td>
</tr>
<tr>
<td>Deputy (type or print)</td>
<td>Deputy Signature:</td>
<td>Date:</td>
</tr>
</tbody>
</table>
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The School District has developed, evaluated, and modified a long-term Capital Facilities Program since 1997. This Capital Facilities Program includes the construction of new schools to house students from new developments occurring in the School District, as well as the modernization of older school facilities. An important funding mechanism for the implementation of the School District’s Capital Facilities Plan is the issuance of general obligation bonds. Currently, the School District has issued Series A - E. Series G will be the last series the District is planning to issue in order to insure the modernization and enhancement to older school facilities is on parity with the new school facilities.

Projects that are scheduled to be funded with proceeds generated from the Series G issuance include the following:

Beyer Elementary School (372 Students)
- Rebuild 24 classrooms
- Rebuild office, auditorium, cafeteria and library
- Update technology/Smartboards

San Ysidro Middle School (894 Students)
- Update street access
- Update stage/lighting/curtains in Multi-purpose room

Smythe Elementary School (536 Students)
- Upgrade field from dirt to grass
- Office and teacher workroom expansion
- Remodel Multi-purpose room
- Construct walls to separate open classroom floor plan

La Mirada Elementary School (528 Students)
- Office and teacher workroom expansion
- Remodel Multi-purpose room
- Construct walls to separate open classroom floor plan

Vista Del Mar (New School)
- Construct 16 classrooms (phase 2 of Vista Del Mar building plan)

The School District received authorization at an election held on March 4, 1997 by an affirmative vote of 86% of the votes cast by eligible voters to issue not to exceed $250 million principal amount of general obligation bonds (Exhibit 1). The School District has issued the following bonds:

<table>
<thead>
<tr>
<th>Date</th>
<th>Series</th>
<th>Principal</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 1997</td>
<td>Series A</td>
<td>$10,590,000.00</td>
</tr>
</tbody>
</table>
There is currently $137,478,273.40 principal amount of the authorization remaining.

In September 2004, the School District received approval by the State Board of Education to increase to School District’s bonding capacity cap to 2.15%. Currently, the School District’s bonded indebtedness ratio (outstanding bonded indebtedness to taxable assessed valuation) is 2.14%. Given the need for school facility modernization projects that are currently planned, this application seeks a general waiver from the State Board of Education that would allow the issuance of bonds in an amount that does not exceed 3% of the assessed value of the taxable property within the School District’s boundaries.

If approved, this waiver request would allow the School District to issue Series G (approximately $22 million) to fund the projects previously listed. Based on preliminary analyses, the School District’s bonded indebtedness ratio would increase from 2.05% to 2.54% in fiscal year 2012/2013. The School District’s average annual assessed valuation growth over the past 10 years has been approximately 11%. Based on the conservative assessed valuation growth assumptions listed below, the indebtedness level will peak at 2.54% in fiscal year 2012/2013, and will fall below the School District’s current limit of 2.15% in 2015/2016, and will fall to the 1.25% statutory maximum by 2021/2022 (Exhibit 2).

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>AV Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012/2013</td>
<td>0%</td>
</tr>
<tr>
<td>2013/2014</td>
<td>2%</td>
</tr>
<tr>
<td>2014/2015</td>
<td>3%</td>
</tr>
<tr>
<td>2015/2016</td>
<td>4%</td>
</tr>
<tr>
<td>2016/2017</td>
<td>5%</td>
</tr>
<tr>
<td>2017/2018</td>
<td>5%</td>
</tr>
<tr>
<td>2018/2019</td>
<td>5%</td>
</tr>
<tr>
<td>2019/2020</td>
<td>5%</td>
</tr>
<tr>
<td>2020/2021</td>
<td>5%</td>
</tr>
<tr>
<td>2021/2022</td>
<td>5%</td>
</tr>
</tbody>
</table>

The proposed Series G financing structure has been coordinated to ensure the School District’s ability to make much needed school facility renovations and upgrades over the next couple of years. In addition, as an integral part of the School District’s long-term facilities funding plan, the School District was able to take advantage of the favorable market conditions in 2011 during the Series F issuance, which will make the proposed Series G bonds less expensive to sell, and will reduce the risk of municipal bond market access. Exhibit 3 shows further detail on the current debt service schedule for the Series A – F Bonds, and how the proposed Series G Bonds will not increase the tax rate on existing property owners.
TABLE 1.2 TEXT FOR SCHOOL DISTRICT BALLOT MEASURES BY COUNTY, 1997

<table>
<thead>
<tr>
<th>School District</th>
<th>Measure</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Ysidro School District</td>
<td>Measure C</td>
<td>To remodel an elementary school to provide for smaller class sizes, comply with current safety standards, and install additional electrical capacity, computer technology, and other facilities.</td>
</tr>
<tr>
<td>Lodi Unified School District</td>
<td>Measure U</td>
<td>To provide funds for construction and/or acquisition of new classrooms and facilities, and the wiring of classrooms required for computers and other modern technology?</td>
</tr>
<tr>
<td>Burlingame Elementary School District</td>
<td>Measure A</td>
<td>To acquire, modernize, and maintain school facilities in order to maintainњrehabilitate and construct classrooms and school facilities?</td>
</tr>
<tr>
<td>Belmont School District</td>
<td>Measure B</td>
<td>To provide students with new classrooms to relieve overcrowding and accommodate small class sizes, comply with current safety standards, and install additional electrical capacity, computer technology, and other facilities.</td>
</tr>
<tr>
<td>Lucia Mar Unified School District</td>
<td>Measure A</td>
<td>To relieve classroom overcrowding and enhance student health and safety by constructing anew high school, new elementary and middle school classrooms, and renovating local school sites, and to acquire, modernize, and improve other facilities.</td>
</tr>
<tr>
<td>South Bay Union High School District</td>
<td>Measure A</td>
<td>To improve health and safety conditions and to demolish, construct classrooms, school facilities and related site improvements for local use?</td>
</tr>
<tr>
<td>San Ysidro School District</td>
<td>Measure C</td>
<td>To acquire and improve real property for authorized school purposes; provided that at the time any series of bonds is issued the highest tax rate required to service that series and all outstanding bonds authorized by this measure shall not exceed $0.10 per $100 assessed value, with the maximum principle amount of such bonds not to exceed $250,000,000.</td>
</tr>
<tr>
<td>San Ysidro School District</td>
<td>Measure B</td>
<td>To acquire, modernize, and maintain school facilities in order to maintainњrehabilitate and construct classrooms and school facilities?</td>
</tr>
<tr>
<td>San Diego Unified School District</td>
<td>Measure B</td>
<td>To provide for the removal of overcrowding and improve student health and safety by constructing anew high school, new elementary and middle school classrooms, and renovating local school sites, and to acquire, modernize, and improve other facilities.</td>
</tr>
<tr>
<td>South Bay Union High School District</td>
<td>Measure A</td>
<td>To provide for the removal of overcrowding and improve student health and safety by constructing anew high school, new elementary and middle school classrooms, and renovating local school sites, and to acquire, modernize, and improve other facilities.</td>
</tr>
<tr>
<td>San Ysidro School District</td>
<td>Measure C</td>
<td>To acquire and improve real property for authorized school purposes; provided that at the time any series of bonds is issued the highest tax rate required to service that series and all outstanding bonds authorized by this measure shall not exceed $0.10 per $100 assessed value, with the maximum principle amount of such bonds not to exceed $250,000,000.</td>
</tr>
</tbody>
</table>
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2012 AGENDA

☐ General Waiver

SUBJECT
Request by Oxnard School District to waive portions of California Education Code Section 15282, relating to term limits for members of a Citizens' Oversight Committee for all construction bonds in the district.

Waiver Number: 7-12-2011

☐ Action
☐ Consent

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education recommends approval that two of the current seven members of the Citizens' Oversight Committee (COC) be allowed to continue for an additional two-year term with the following condition: that the waiver will end on or before December 30, 2013, so that California Education Code (EC) Section 33051(b) will not apply and the waiver will not become permanent.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved all previous waivers regarding Citizens' Oversight Committees. The district is requesting to waive the same provision of the term limits of members of the Citizens' Oversight Committee. This is a renewal waiver request which was approved by the SBE at the May 6, 2010 meeting.

SUMMARY OF KEY ISSUES

Under the provisions of EC sections 33050 through 33053, the Oxnard School District requests that specific language of EC Section 15282(a) relating to term limits for members of a COC be waived. The purpose of the COC is to inform the public concerning the expenditure of bond revenues. The COC reviews and reports on the proper expenditure of taxpayers' money for school construction. The COC holds public meetings and advises the public as to whether the district is in compliance with all of the statutory requirements of the bond and school construction projects.

The extension of time would allow the continued participation of these two experienced members and will aid the district in its efforts to successfully manage the next phases of the building program and would preserve continuity and provide advice and guidance of the Bond Oversight Committee and the district.
SUMMARY OF KEY ISSUES (Cont.)

The district states that it has proven to be a challenge to find members that are willing to make the commitment to serve on the COC.

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). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: COC members requesting extension

Attachment 2: Summary Table (1 Page)

Attachment 3: Oxnard School District General Waiver Request (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
Citizens’ Oversight Committee Member Appointments

The following member was appointed in December 2006 (one-year term) and his current term will end in December 2011.

Edward Castillo
Representing: Community at Large
Appointment: December 2006
Expiration: December 2011

The following member was appointed in December 2007 and his current term will end in December 2011.

Gerardo Gonzalez
Representing: Parent
Appointment: December 2007
Expiration: December 2011
<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>School District</th>
<th>Period of Request</th>
<th>Local Board Approval Date</th>
<th>Public Hearing Date</th>
<th>Bargaining Unit Consulted – Date</th>
<th>Position of Bargaining Unit</th>
<th>Advisory Committee Consulted - Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-12-2011</td>
<td>Oxnard School District</td>
<td>01/01/12 to 12/31/13</td>
<td>11/16/11</td>
<td>11/16/11</td>
<td>Oxnard Educators Association (OEA) – 11/3/11</td>
<td>Support</td>
<td>Bond Oversight Committee – 10/18/11 No objections</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Department’s recommendation 01/01/12 to 12/30/13</td>
<td></td>
<td></td>
<td>Oxnard Support Services Association (OSSA) – 11/3/11</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>California State Employees Association (CSEA) – 11/2/11</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Created by the California Department of Education 12/20/2011
CALIFORNIA DEPARTMENT OF EDUCATION  
GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

Local educational agency:  
Oxnard School District

Contact name and Title:  
Lisa Cline, Assistant Superintendent,  
Business & Fiscal Services

Address:  
1051 South A Street  
Oxnard  
CA  
93030

Phone (and extension, if necessary):  
(805) 385-1501, ext. 2400  
Fax Number:  
(805) 487-2118

Period of request:  
From: 1/1/12  
To: 12/31/13

Local board approval date:  
11/16/11

Date of public hearing:  
11/16/11

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  
15282  
Circle One: EC or CCR

Topic of the waiver:  Term Limits for Members of Bond Oversight Committee

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  
32-11-2010-W-4  
and date of SBE Approval  
2/10/11  
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  
No X Yes  
If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):  
Oxnard Educators Association (OEA); Oxnard Support Services Association (OSSA); California State Employees Association (CSEA)

Name of bargaining unit and representative(s) consulted:  

The position(s) of the bargaining unit(s):  
Neutral X Support __ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement:  A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?  
X Notice in a newspaper  
X Notice posted at each school  
X Other: (Please specify) Notice posted at District Office.

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Bond Oversight Committee  
Date the committee/council reviewed the waiver request:  
10/18/11

Were there any objection(s)?  
No X Yes  
(If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   15282. (a) The citizens’ oversight committee shall consist of at least seven members to serve for a term of two years without compensation and for no more than two consecutive terms…

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   The Measure M6 Bond Oversight Committee (BOC) is the citizens’ oversight body for $64 million in General Obligation bonds for Oxnard School District. Two (2) of the seven (7) members will be termed out in December 2011. Approval of this waiver will allow the District to benefit from the outstanding expertise and contributions of those members during the next phases of the building program (Driffill P2P+). Approval of this waiver will help preserve continuity and enable these experienced members to continue to provide advice and guidance to the BOC and to the District. Additionally, it has proven a challenge in the past to find members that are willing to make this commitment; the current group has been a good “fit”. They have been consistent in their attendance and involvement with this Committee, and have expressed their willingness to continue to serve.

8. Demographic Information:
   Oxnard School District has a student population of approximately 16,100 and is located in the City of Oxnard in Ventura County.

| Is this waiver associated with an apportionment related audit penalty? (per EC 41344) | No ☑ Yes ☐ |
| Has there been a Categorical Program Monitoring (CPM) finding on this issue? | No ☑ Yes ☐ |

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

| Signature of Superintendent or Designee: Lisa Cline | Title: Assistant Superintendent, Business & Fiscal Services | Date: 11/16/11 |

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

| Staff Name (type or print): | Staff Signature: | Date: |
| Unit Manager (type or print): | Unit Manager Signature: | Date: |
| Division Director (type or print): | Division Director Signature: | Date: |
| Deputy (type or print): | Deputy Signature: | Date: |
GENERAL WAIVER

SUBJECT

Request by nine districts to waive California Education Code Section 5020 and portions of sections 5019, 5021, and 5030 that require a district-wide election to establish new trustee areas.

Waiver Numbers: Alta Vista Elementary 40-12-2011
Armona Union Elementary 37-11-2011
Escondido Union 25-12-2011
Los Banos Unified 33-12-2011
San Jacinto Unified 50-12-2011
Selma Unified 77-12-2011
Sundale Union Elementary 8-11-2011
Turlock Unified 73-12-2011
Woodland Joint Unified 42-12-2011

RECOMMENDATION

☐ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California State Board of Education (SBE) has approved numerous similar waiver requests during the past three years—the most recent ones were waiver requests from fourteen school districts that were approved at the January 11, 2012, SBE meeting.

SUMMARY OF KEY ISSUES

Approval of this waiver request would eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future governing board elections in the nine listed school districts. Voters in the districts will continue to elect all board members—however, should the waiver be approved, all board members will be elected by trustee areas, beginning with the next regular board elections.

The county committee on school district organization (county committee) has the authority to approve or disapprove the adoption of trustee areas and a method of election for school district governing board elections. Pursuant to Section 5020 of the California Education Code (EC), county committee approval of trustee areas and methods of elections constitutes an order of election; thus, voters in the district have final approval over these changes.
SUMMARY OF KEY ISSUES (Cont.)

A number of districts in California are facing existing or potential litigation under the California Voting Rights Act of 2001 over their at-large election methods. To help protect themselves from potential litigation, the eleven school districts are taking action to establish new trustee areas and adopt by-trustee-area methods of election for the governing boards. In order to establish these trustee areas and the methods of election as expeditiously as possible, the districts are requesting that the SBE waive the requirement that the trustee areas and the election methods be approved at district-wide elections.

These waiver requests have been reviewed by California Department of Education (CDE) staff and a determination has been made that: (1) the waivers were initiated by resolutions of the governing boards; and, (2) there was no significant public opposition to the waivers at the public hearings held by the governing boards.

Only the election to establish trustee areas and election method will be eliminated by approval of the waiver request—voters in the school district will continue to elect all governing board members. Moreover, approval of the waivers will not eliminate any existing legal rights of currently seated board members.

The CDE finds that none of the grounds specified in EC Section 33051, which authorize denial of a waiver, exist. The CDE recommends that the SBE approve the requests by the nine school districts to waive EC Section 5020 in its entirety and portions of sections 5019, 5021, and 5030.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a).** The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

**Authority for Waiver:** EC Section 33050

**FISCAL ANALYSIS (AS APPROPRIATE)**

Approval of the waiver requests will not have negative fiscal effects on any local or state agency. Failure to approve the waiver requests will result in the additional costs to the districts for a district-wide election.
<table>
<thead>
<tr>
<th>Attachment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attachment 1</td>
<td>Trustee area election waivers (4 pages)</td>
</tr>
<tr>
<td>Attachment 2</td>
<td>California <em>Education Code</em> sections to be waived (5 pages)</td>
</tr>
<tr>
<td>Attachment 3</td>
<td>Alta Vista Elementary School District (40-12-2011) General Waiver Request for Trustee Area Elections. (11 Pages) (Original waiver request is signed and on file in the Waiver Office.)</td>
</tr>
<tr>
<td>Attachment 4</td>
<td>Armona Union Elementary School District (37-11-2011) General Waiver Request for Trustee Area Elections. (7 Pages) (Original waiver request is signed and on file in the Waiver Office.)</td>
</tr>
<tr>
<td>Attachment 5</td>
<td>Escondido Union School District (25-12-2011) General Waiver Request for Trustee Area Elections. (6 Pages) (Original waiver request is signed and on file in the Waiver Office.)</td>
</tr>
<tr>
<td>Attachment 6</td>
<td>Los Banos Unified School District (33-12-2011) General Waiver Request for Trustee Area Elections. (10 Pages) (Original waiver request is signed and on file in the Waiver Office.)</td>
</tr>
<tr>
<td>Attachment 7</td>
<td>San Jacinto Unified School District (50-12-2011) General Waiver Request for Trustee Area Elections. (9 Pages) (Original waiver request is signed and on file in the Waiver Office.)</td>
</tr>
<tr>
<td>Attachment 8</td>
<td>Selma Unified School District (77-12-2011) General Waiver Request for Trustee Area Elections. (10 Pages) (Original waiver request is signed and on file in the Waiver Office.)</td>
</tr>
<tr>
<td>Attachment 9</td>
<td>Sundale Union Elementary School District (8-11-2011) General Waiver Request for Trustee Area Elections. (10 Pages) (Original waiver request is signed and on file in the Waiver Office.)</td>
</tr>
<tr>
<td>Attachment 10</td>
<td>Turlock Unified School District (73-12-2011) General Waiver Request for Trustee Area Elections. (9 Pages) (Original waiver request is signed and on file in the Waiver Office.)</td>
</tr>
<tr>
<td>Attachment 11</td>
<td>Woodland Joint Unified School District (42-12-2011) General Waiver Request for Trustee Area Elections. (10 Pages) (Original waiver request is signed and on file in the Waiver Office.)</td>
</tr>
</tbody>
</table>
## Trustee Area Election Waivers

*Districts requesting waivers of elections to establish trustee areas— all of Education Code Section 5020; portions of sections 5019, 5021 and 5030*

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<tr>
<th>Waiver Number</th>
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<th>Period of Request</th>
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<th>Bargaining Unit/Representatives Consulted and Dates/Position</th>
<th>Advisory Committees Consulted and Dates</th>
<th>Public Hearing Advertisement</th>
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<tbody>
<tr>
<td>40-12-2011</td>
<td>Alta Vista School District</td>
<td>Does not meet</td>
<td>Requested: December 1, 2011 through November 30, 2013; Recommended: December 1, 2011 through November 29, 2013</td>
<td>The Alta Vista SD has a student population of 520 and is located in a small city in Tulare County.</td>
<td>November 9, 2011.</td>
<td>Alta Vista Teachers Association, Tina Floyd, President, 10/12/11: Neutral; Alta Vista CSEA, Mary Howe, President, 10/12/11: Neutral</td>
<td>Alta Vista School Site Council, 9/21/11 and 10/19/11; DELAC, 10/24/11.</td>
<td>Notice posted in a newspaper; Notice posted at each school.</td>
</tr>
<tr>
<td>37-11-2011</td>
<td>Armona Union Elementary School District</td>
<td>Does not meet</td>
<td>Requested: January 12, 2012 through December 30, 2013; Recommended: January 12, 2012 through January 10, 2014</td>
<td>The Armona Union ESD has a student population of 1,250 and is located in an unincorporated, rural area of Kings County.</td>
<td>November 10, 2011.</td>
<td>Armona Teachers Association, Erik Nodacker, President, 10/20/11: Support</td>
<td>School Site Councils, 11/10/11</td>
<td>Notice posted in newspaper; Notice posted at each school; Other - Notice sent home to all parents in English and Spanish.</td>
</tr>
<tr>
<td>25-12-2011</td>
<td>Escondido Union School District</td>
<td>List 2</td>
<td>Requested: November 16, 2011 through October 31, 2012; Recommended: November 16, 2011 through November 14, 2013</td>
<td>The Escondido USD has a student population of 18,161 and is located in a moderate-sized city in San Diego County.</td>
<td>December 8, 2011.</td>
<td>California School Employees Association, Rick Beebe, President, 11/16/11: Neutral; Escondido Elementary Educators Association, Romero Maratea, President, 11/16/11: Support</td>
<td>District Advisory Council, 11/16/11; District English Learner Advisory Council, 11/16/11; Parent Teachers Association, 11/16/11; School Parent Liaisons, 11/16/11.</td>
<td>Notice posted in a newspaper; Notice posted at each school.</td>
</tr>
<tr>
<td>33-12-2011</td>
<td>Los Banos Unified School District</td>
<td>Does not meet</td>
<td>Requested: January 1, 2012 through December 31, 2013; Recommended: January 1, 2012 through December 30, 2013</td>
<td>The Los Banos USD has a student population of 9,524 and is located in a rural area in Merced County.</td>
<td>December 8, 2011.</td>
<td>California School Employees Association, Norman Betteridge, President, 11/10/11: Support; Los Banos Teachers Association, Anthony Parreira, President, 11/10/11: Support</td>
<td>District English Learner Advisory Council, 11/12/11</td>
<td>Notice posted in a newspaper; Notice posted at each school.</td>
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<tr>
<td>50-12-2011</td>
<td>San Jacinto Unified School District</td>
<td>Does not meet</td>
<td>Requested: January 1, 2012 through December 31, 2013; Recommended: January 1, 2012 through December 30, 2013</td>
<td>The San Jacinto USD has a student population of 9,100 and is located in an urban area in Riverside County.</td>
<td>December 13, 2011</td>
<td>San Jacinto Teachers Association, Stefanie Seward, President, 11/28/11; Neutral; Classified School Employees Association, Debbie Cornett, President, 11/28/2011; Support</td>
<td>All School Site Councils and DELAC, 11/29/11.</td>
<td>Notice posted in a newspaper; Notice posted at each school; Other - Notice posted at Public Library, City Hall and District Office.</td>
</tr>
<tr>
<td>77-12-2011</td>
<td>Selma Unified School District</td>
<td>Does not meet</td>
<td>Requested: January 1, 2012 through December 31, 2012; Recommended: January 1, 2012 through December 30, 2013</td>
<td>The Selma USD has a student population of 6,390 and is located in a rural city in Fresno County.</td>
<td>April 12, 2011 and May 10, 2011</td>
<td>California School Employees Association, Annmarie Summers, President, 11/28/11; Support; Selma Unified Teachers Association, Cynthia Miller, President, 11/30/11; Support</td>
<td>Selma High School Parent Club, 11/28/11; Terry Elementary School Site Council (SSC), 11/30/11; Abraham Lincoln Middle SSC, 12/5/11; Indianola Elementary SSC, 12/8/11; Eric White Elementary SSC, 12/8/11; DELAC and Migrant Committee, 12/14/11.</td>
<td>Notice posted at each school; Other - Notice posted at 3 public places in the school district.</td>
</tr>
<tr>
<td>8-11-2011</td>
<td>Sundale Union Elementary School District</td>
<td>List 1 (API=855)</td>
<td>Requested: October 1, 2011 through September 31, 2013; Recommended: October 1, 2011 through September 29, 2013</td>
<td>The Sundale Union ESD has a student population of 804 and is located in a small city in Tulare County.</td>
<td>June 8, 2010 and October 25, 2011</td>
<td>California School Employees Association, Sharon Fien, President, 5/28/10 &amp; 6/10/10; Support; Sundale Teachers Association, Stacy Tiner, President, 5/28/10 &amp; 6/10/10; Support</td>
<td>School Site Council; English Language Advisory Committee, 5/20/10</td>
<td>Notice posted at each school; Other - Posted at District office and at 2 mini mart sites in the District that are well-visited.</td>
</tr>
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## Trustee Area Election Waivers

*Districts requesting waivers of elections to establish trustee areas—all of Education Code Section 5020; portions of sections 5019, 5021 and 5030*

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| 73-12-2011    | Turlock Unified School District | Does not meet | *Requested:* March 7, 2012 through February 27, 2014;  
*Recommended:* March 7, 2012 through February 27, 2014 | The Turlock USD has a student population of 13,504 and is located in a small city in Stanislaus and Merced Counties. | Public hearings: June 7, 2011 and June 21, 2011; Board approval: June 27, 2011 | Turlock Teachers Association, Julie Shipman, President, 5/9/11; Support;  
Turlock Classified-American Federation of Teachers, Reggie Gomes, President, 5/9/11: Support;  
Turlock USD DELAC, 5/5/11 | Notice posted in a newspaper; Notice posted at each school; Other - Notice posted on District website and sent via Teleparent. |
*Recommended:* January 1, 2012 through December 30, 2013 | The Woodland JUHSD has a student population of 10,040 and is located in a rural and small city in Yolo County. | December 8, 2011. | California School Employees Association, Elizabeth Reiff, President 11/16/11: Support;  
Freeman Elementary, 11/8/11; Zamora Elementary, 11/8/11; Tafoya Elementary, 11/10/11;  
Pioneer High, 11/14/11; Lee Middle, 11/14/11; Woodland High 11/14/11; Gibson Elementary, 11/15/11; Sci-Tech Charter, 11/16/11;  
Maxwell Elementary, 11/16/11; Woodland Prairie Elementary, 11/16/11;  
Douglass Middle 11/28/11; Dingle Elementary, 11/29/11;  
Plainfield Elementary, 11/30/11; Whitehead Elementary, 11/30/11;  
Cache Creek High, 11/30/11; DELAC, 11/7/11 and 12/5/11. | Notice posted in a newspaper; Notice posted at each school; Other - Announced at all School Site Council meetings and DELAC meetings and posted at 4 public places: Yolo County Office of Education, Woodland Senior and Community Center, Woodland City Hall and Woodland Public Library. |
## Trustee Area Election Waivers

*Districts requesting waivers of elections to establish trustee areas—*all of Education Code Section 5020; portions of sections 5019, 5021 and 5030*

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Prepared by the California Department of Education
Revised on 2/14/12
California Education Code sections to be waived

The following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 50 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.
attachment 2

Page 2 of 5

(d) If the county committee on school district organization approves pursuant to subdivision (a) the rearrangement of the boundaries of trustee areas for a particular district, then the rearrangement of the trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.

§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding election.
statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."

"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—No."

"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—No."

"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area—Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area—No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District—Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District—No."

"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved
by a greater number of voters. An inconsistent proposal approved by a lesser number of
voters than the number which have approved a proposal to adopt one of the methods of
election of board members specified in Section 5030 shall not be effective.

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019
and 5020 is approved by a majority of the voters voting at the election, any affected
incumbent board member shall serve out his or her term of office and succeeding board
members shall be nominated and elected in accordance with Section 5030. In the
event two or more trustee areas are established at such election which are not
represented in the membership of the governing board of the school district, or
community college district the county committee shall determine by lot the trustee area
from which the nomination and election for the next vacancy on the governing board
shall be made.

(b) If a proposal for rearrangement of boundaries is approved by a majority of the voters
voting on the measure, or by the county committee on school district organization when
no election is required, and if the boundary changes affect the board membership, any
affected incumbent board member shall serve out his or her term of office and
succeeding board members shall be nominated and elected in accordance with Section
5030.

(c) If a proposal for abolishing trustee areas is approved by a majority of the voters
voting at the election, the incumbent board members shall serve out their terms of office
and succeeding board members shall be nominated and elected at large from the
district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community
college district having trustee areas, the county committee on school district
organization and the registered voters of a district, pursuant to Sections 5019 and 5020,
respectively, may at any time recommend one of the following alternate methods of
electing governing board members:

(a) That each member of the governing board be elected by the registered voters of
the entire district.

(b) That one or more members residing in each trustee area be elected by the
registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the
entire school district or community college district, but reside in the trustee area which
he or she represents.

The recommendation shall provide that any affected incumbent member shall serve
out his or her term of office and that succeeding board members shall be nominated
and elected in accordance with the method recommended by the county committee.
Whenever trustee areas are established in a district, provision shall be made for one
of the alternative methods of electing governing board members.
In counties with a population of less than 25,000, the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/
First Time Waiver:  _X_
Renewal Waiver:  ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency:
ALTA VISTA SCHOOL DISTRICT

Contact name and Title:
LORA HASTON
SUPERINTENDENT

Contact person’s e-mail address:
LHASTON@ALTA-VISTA.K12.CA.US

Address: (City) (State) (ZIP)
2293 EAST CRABTREE AVE. PORTERVILLE CA 93257

Phone (and extension, if necessary):
559/782-5700
Fax Number:

Period of request: (month/day/year)
From: 12/1/2011 To: 11/30/2013

Local board approval date: (Required)
NOVEMBER 9, 2011

Date of public hearing: (Required)
NOVEMBER 9, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):
   Circle One:  EC or CCR

   Topic of the waiver: WAIVER OF ELECTORAL REQUIREMENTS OF EDUCATION CODE §§ 5019, 5020, 5021 AND 5030 TO ESTABLISH TRUSTEE AREAS AND ADOPT A BY-TRUSTEE AREA ELECTORAL PROCESS

2. If this is a renewal of a previously approved waiver, please list Waiver Number: N/A and date of SBE Approval N/A

   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  _X_ Yes  

   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): OCTOBER 12, 2011

   Name of bargaining unit and representative(s) consulted: TINA FLOYD, ALTA VISTA TEACHER’S ASS’N, PRESIDENT
   MARY HOWE, ALTA VISTA CSEA, PRESIDENT

   The position(s) of the bargaining unit(s): _X_ Neutral  ___ Support  __ Oppose (Please specify why)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X_ Notice in a newspaper  _X_ Notice posted at each school  ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   SEE ATTACHMENT A HERETO

   Date the committee/council reviewed the waiver request:

   SEE ATTACHMENT A HERETO

   Were there any objection(s)? No _X_ Yes ___  (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

**SEE ATTACHMENT B HERETO**

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

**Pursuant to EC § 5019(a),** the Tulare County Committee on School District Organization (the “County Committee”) has the authority to approve or disapprove Alta Vista School District’s adoption of by-trustee area elections. Alta Vista School District adopted a resolution applying to the County Committee to authorize a change of election for the November 2012 election. This waiver is sought contingent on the County Committee’s approval of the change to the District’s electoral system and approval of a specific trustee area plan. The approval of by-trustee area elections by the County Committee would normally constitute an order of election (EC § 5020); however, a waiver of the election requirement by SBE would allow for the adoption and subsequent implementation of by-trustee area elections without a local election. Also, the subsequent approval of a specific trustee area plan would normally be subject to a referendum period, but if qualified such a referendum would preclude by-trustee area elections in 2012. [See Attachment C and Alta Vista School District Resolution 2011-12-07, attached hereto [approving the waiver application].]

8. Demographic Information:

**ALTA VISTA SCHOOL DISTRICT** has a student population of 520 and is located in a *small city* in TULARE County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**

No ☐ Yes ☐

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?**

No ☐ Yes ☐

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** — I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:  
Title: **SUPERINTENDENT**  
Date: **DECEMBER 15, 2011**

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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## Attachment A

### Consultation With School Site Councils/Advisory Committees

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<td>English Learner’s Advisory Council</td>
<td>10/24/2011</td>
<td>No Objections</td>
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6. Education Code or California Code of Regulations section to be waived

Request to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on
the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) the rearrangement of the boundaries of trustee areas for a particular district, then the rearrangement of the trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.

§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.
(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."

"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."

"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."

"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."

"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the
establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 and 5020 is approved by a majority of the voters voting at the election, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by a majority of the voters voting on the measure, or by the county committee on school district organization when no election is required, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved by a majority of the voters voting at the election, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Sections 5019 and 5020, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.
(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

In counties with a population of less than 25,000, the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.
7. Desired Outcome/Rationale

The waiver of the election requirements in 5019(d) and 5020 will enable the Alta Vista School District (“AVSD” or “District”) to implement a new “by-trustee area” electoral system for its November 2012 elections, will ensure that the District proceeds in the most efficient and cost-effective manner, and will help protect the District from legal challenges. Approval of the waiver request will not remove the requirement that any future District governing board member be elected by voters in the District. The waiver only eliminates the requirement that an election be held to determine the method by which future board members will be elected.

The Central Valley has recently become an epicenter of potential litigation under the California Voting Rights Act of 2002, codified at sections 14025–14032 of the California Elections Code (“CVRA”). The CVRA enables voters to challenge “at-large” electoral systems in which elections are characterized by “racially-polarized voting.” As importantly, it authorizes mandatory attorneys’ fee and expert fee awards to successful plaintiffs.

Recent litigation under the Act has resulted in fee awards as high as 7 figures: The City of Modesto defended against a suit under the CVRA and ended up paying $3 million to plaintiffs’ attorneys, in addition to $1.7 million to its own attorneys. While that case involved an appeal and (unsuccessful) petitions for review and certiorari to the California and U.S. Supreme Courts, the $4.7 million did not include any costs for an actual trial, as the case never reached that state, settling before that time. And then in 2008, Madera Unified was sued under the CVRA, and after six weeks of uncontested litigation was served with a fee demand of $1.2 million (a number that continues to go up as fee proceedings continue).

In recent years, two nearby jurisdictions have been sued under the CVRA—the Tulare Local Healthcare District settled a suit for $500,000 in 2010, and agreed to put the question of changing its electoral system to the voters; the City of Tulare likewise settled a suit, agreeing to put a similar question to its voters, and to pay plaintiffs’ attorneys’ fees (rumored to be in the range of $250,000). Faced with this spate of litigation, several of AVSD’s neighboring districts have adopted by-trustee elections under Education Code § 5030(b). In a by-trustee area system of election, candidates for a district’s governing board must reside within a specific geographic subarea of the district called a “trustee area” and candidates are elected only by the voters of that trustee area. They have done so under threat of litigation under the CVRA. We also understand that the same organization that brought the Modesto and Madera suits has made further inquiries regarding other Central Valley districts.

AVSD currently elects its five-member board in “at-large” elections (i.e., elections in which each candidate for the Board is elected by all voters in the District) pursuant to
Education Code § 5030(a), and is therefore potentially vulnerable to suit under the CVRA.¹

On November 10, 2010, the Board adopted Resolution No. 2010-11-10, initiating an application to the Tulare County Committee on School District Organization (“County Committee”) to change the District’s method of election to “by-trustee area” elections, i.e., elections in which “one or more members residing in each trustee area [is] elected by the registered voters of that particular trustee area[,]” Cal. Elec. Code § 5030(b).

On October 26, 2011, following the release of the 2010 Census, the Alta Vista School District Board of Trustees adopted a trustee area plan for submission to, and approval by, the County Committee. Action is expected on that proposal in the next few months.

In the normal course, the County Committee’s approval of a change to the District’s electoral system would act as an order of election, submitting the change to the District’s voters at the November 2012 election. That, however, will preclude the District from implementing the new system in time for that election. Accordingly, the Board consulted with its advisory committees, school site councils and bargaining units, and held a duly-noticed public hearing, and on November 9, 2011, approved submission of a waiver of the electoral requirement.

If the waiver is approved, a local election would not be held: the system for electing trustees would change pursuant to the Resolution 2010-11-10 adopted by the Board in November 2010, and the approval of the County Committee. This waiver application is submitted contingent upon approval of the application by the County Committee.

The District is also proposing a trustee area boundary plan for the County Committee’s consideration and approval, following an extensive public process. Though that plan will not be subject to an automatic vote of the people, it is subject to the possibility of a referendum under § 5019(d). Such a referendum, if qualified, would defeat the District’s ability to implement by-trustee area elections in 2012.

There has been no public opposition to the waiver application. The AVSD Board has therefore determined that the public interest would be better served if trustees were elected by-trustee areas and makes the following points in support of the waiver:

1. Questions have been raised about the current electoral system’s legality under the California Voting Rights Act. If not waived and if a measure to institute by-trustee area elections is defeated, the District would continue to be vulnerable to a legal challenge regarding the establishing of by-trustee area elections. Though

¹ This does not represent a concession by the District that such a suit would be meritorious. There is presently not any formal allegation of racially-polarized voting in District elections. But no case has yet definitively construed the Act’s many ambiguous provisions, and there are outstanding questions about what a plaintiff must prove to prevail under the Act. That uncertainty, coupled with the potential for massive fee awards, creates a significant disincentive to contest such a suit.
the District does not concede that the current system would violate the CVRA, and has not itself been directly threatened with litigation, it has no desire to risk costly litigation under the Act.

2. The request for waiver is contingent upon the County Committee’s approval of by-trustee area elections. The SBE can therefore grant this waiver with the assurance that the District’s proposal will nevertheless be subjected to independent review by the County Committee, composed of disinterested officials familiar with local circumstances.

3. No member of the public spoke against the waiver at the duly-noticed public hearings.

4. There has been minimal opposition to the plan.
## CALIFORNIA DEPARTMENT OF EDUCATION

### GENERAL WAIVER REQUEST

**First Time Waiver:** X  
**Renewal Waiver:** 

GW-1 (Rev. 11-30-10)  [http://www.cde.ca.gov/re/lr/wr/](http://www.cde.ca.gov/re/lr/wr/)

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in **Word** and  
back-up material to: waiver@cde.ca.gov

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### Local educational agency:
Armona Union Elementary School District

Contact name and Title:  
Steve Bogan, Superintendent

Contact person’s e-mail address:  
sbogan@kings.k12.ca.us

Address:  
PO Box 368  
Armona  
CA  
93202

Phone (and extension, if necessary):  
559-583-5003

Fax Number:  
559-583-5004

### Period of request: (month/day/year)
From: 01/12/2012  
To: 12/30/2013

### Local board approval date: (Required)
November 10, 2011

### Date of public hearing: (Required)
September 8, 2011  
November 10, 2011

### LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number):  
   5020, portions of 5019, 5021, 5030  
   Circle  
   EC or CCR

2. WAIVER OF ELECTIONS REQUIREMENTS FOR CHANGE TO TRUSTEE AREA ELECTIONS

   If this is a renewal of a previously approved waiver, please list Waiver Number:  
   _____  and date of SBE Approval:  
   _____

   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  
   ____ No  ____ Yes  
   If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):**  
   10/20/2011

   **Name of bargaining unit and representative(s) consulted:**  
   Armona Teachers Association – Erik Nodacker , President

   **The position(s) of the bargaining unit(s):**  
   ____ Neutral  ____ Support  ____ Oppose (*Please specify why*)

   **Comments (if appropriate):**

4. Public hearing requirement:  
   A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   **How was the required public hearing advertised?**

   _X_ Notice in a newspaper  _X_ Notice posted at each school  _X_ Other: (*Please specify*) Notice sent home to all parents in English and Spanish.

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   **Date the committee/council reviewed the waiver request:**  
   11/10/2011  School Site Councils

   **Were there any objection(s)?**  
   No  _X_  Yes  ____  (*If there were objections please specify*)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

**See Attachment:**
*Education Code or California Code of Regulations to be waived*

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

**THIS WAIVER IS REQUESTED TO EXPEDITE EFFORTS OF THE ARMONA UNION ELEMENTARY SCHOOL DISTRICT TO COME INTO COMPLIANCE WITH THE CALIFORNIA VOTER RIGHTS ACT OF 2001.**

8. Demographic Information:
*(District/school/program)* Armona Union Elementary School District has a student population of 1250 and is located in an unincorporated, rural area of Kings County..

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**

| No ☒ | Yes ☐ |

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?**

| No ☒ | Yes ☐ |

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.
(d) If the county committee on school district organization approves pursuant to subdivision (a) the rearrangement of the boundaries of trustee areas for a particular district, then the rearrangement of the trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.

§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.
(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District — Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District — No."

"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven — Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven — No."

"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five — Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five — No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District — Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District — No."

"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area — Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area — No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District — Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District — No."

"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District — Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District — No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.
§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 and 5020 is approved by a majority of the voters voting at the election, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by a majority of the voters voting on the measure, or by the county committee on school district organization when no election is required, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved by a majority of the voters voting at the election, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Sections 5019 and 5020, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents. The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee. Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

In counties with a population of less than 25,000, the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this
section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

First Time Waiver: X  Renewal Waiver:

GW-1 (Rev. 11-30-10)  http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

Renewal Waiver:

Local educational agency:
Escondido Union School District

Contact name and Title:
Gina Manusov, Asst. Superintendent
Business Services

Loca
tal board approval date: (Required)
December 8, 2011

Date of public hearing: (Required)
December 8, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Circle One: CEC or CCR
5020, portions of 5019, 5021, and 5030

Topic of the waiver: Waiver of elections requirement(s) for change to by-trustee area elections

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  X Yes  If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): E-mail communication distributed 11/16/11

Name of bargaining unit and representative(s) consulted: California School Employees Association (CSEA), Chapter 150 (Rick Beebe, President) and Escondido Elementary Educators Association (EEEA) (Romero Maratea, President)

The position(s) of the bargaining unit(s):  X Neutral  X Support __ Oppose (Please specify why)

Comments (if appropriate): CSEA – No response. EEEA – In support of waiver request.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

X Notice in a newspaper  X Notice posted at each school  ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: District Advisory Council, District English Learner Advisory Council, Parent Teachers Association, school parent liaisons

Date the committee/council reviewed the waiver request: E-mail communication distributed 11/16/11

Were there any objection(s)?  No X  Yes ____ (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   **See Attachment A hereto.**

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   This waiver is requested to expedite efforts by the Escondido Union School District (“District”) to ensure compliance with the California Voting Rights Act (Elections Code §§ 14025 *et seq.*)(“CVRA”). By granting this waiver, the District will be able to implement its new “by-trustee area” election system for its November 2012 elections to reduce any potential liability under the CVRA. Due to the fact the CVRA grants a prevailing plaintiff the right to reasonable attorneys’ fees and expert witness fees, the District seeks to reduce the risk of costly litigation under the CVRA. By reducing the risk of such costly litigation in an expeditious and cost-efficient manner, the District will be able to ensure cuts to necessary and valuable District student programs are not needed because of claims being brought under the CVRA.

8. Demographic Information:
   Escondido Union School District has a student population of 18,161 and is located in a moderate-sized city in San Diego County.

   **Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**
   No ☐ Yes ☐

   (If yes, please attach explanation or copy of audit finding)

   **Has there been a Categorical Program Monitoring (CPM) finding on this issue?**
   No ☐ Yes ☐

   (If yes, please attach explanation or copy of CPM finding)

   **District or County Certification** — I hereby certify that the information provided on this application is correct and complete.

   | Signature of Superintendent or Designee: | Title: Superintendent | Date: |

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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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6. Education Code or California Code of Regulations section to be waived

Request to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.
(d) If the county committee on school district organization approves pursuant to subdivision (a) the rearrangement of the boundaries of trustee areas for a particular district, then the rearrangement of the trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal’s adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.

§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.
(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—No."

"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—No."

"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—No."

"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area—Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area—No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District—Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District—No."

"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.
§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 and 5020 is approved by a majority of the voters voting at the election, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by a majority of the voters voting on the measure, or by the county committee on school district organization when no election is required, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved by a majority of the voters voting at the election, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Sections 5019 and 5020, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents. The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee. Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

In counties with a population of less than 25,000, the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  X
Renewal Waiver:  ___

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

Local educational agency:
Los Banos Unified School District  
Steve Tietjen, Superintendent

Address:  
1717 S. 11th St., Los Banos, CA 93635

Period of request:  (month/day/year)
From:  01/01/12  To:  12/31/13

Local board approval date: (Required)
December 08, 2011

Date of public hearing: (Required)
December 08, 2011

Contact person’s e-mail address:
drsteve@losbanosusd.k12.ca

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Portions of 5019, 5021, 5030 and all of 5020

Circle One:  EC or  CCR

Topic of the waiver:  Requirement that establishment of trustee areas/adoption of by-trustee election process be put to a vote by the electors of the District.

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  _____  and date of SBE Approval______

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  __ No  _X_ Yes  If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):  November 10, 2011

Name of bargaining unit and representative(s) consulted: California School Employee Association, Norman Betteridge, President; Los Banos Teacher Association, Anthony Parreira, President

The position(s) of the bargaining unit(s):  __ Neutral  _X_ Support  __ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

_X_ Notice in a newspaper  _X_ Notice posted at each school  ___ Other: (Please specify)
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
DELAC

Date the committee/council reviewed the waiver request: November 12, 2011

Were there any objection(s)? No X Yes ___ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION
GENeral WaivEr Request
GW-1 (10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

See Attachment A

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

See Attachment B

8. Demographic Information:
Los Banos Unified School District has a student population of 9,524 and is located in a rural area in Merced County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No X Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: Title: Superintendent
Steve M. Tietjen, Ed.D.
Date: December 14, 2011
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Attachment A

6. Education Code or California Code of Regulations section to be waived

Request to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 10,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.
(d) If the county committee on school district organization approves pursuant to subdivision (a) the rearrangement of the boundaries of trustee areas for a particular district, then the rearrangement of the trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.

§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the
district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."

"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."

"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."

"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."

"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.
§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 and 5020 is approved by a majority of the voters voting at the election, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by a majority of the voters voting on the measure, or by the county committee on school district organization when no election is required, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved by a majority of the voters voting at the election, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Sections 5019 and 5020, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

In counties with a population of less than 25,000, the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this
section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.
6. Desired Outcome/ Rationale

The Los Banos Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

It is imperative that the District adopt these areas and establish this process without delay and without interference because like many of the school districts that have been threatened with lawsuits under the California Voting Rights Act of 2001 (“CVRA”), the District currently utilizes an at-large election process to elect its governing board members. The District’s failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to such litigation in which the District would be exposed to potentially having to pay significant attorneys’ fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

CVRA History

The California Legislature enacted the California Voting Rights Act of 2001. (See California Elections Code §§ 14025-14032). This legislation makes all at-large election systems in California for cities, school districts and special districts vulnerable to legal attack, largely on proof of racially polarized voting, regardless of whether a majority district can be formed and, under the interpretation adopted by plaintiffs in other pending CVRA cases, without regard to the electoral success of minority candidates or the need to prove actual racial injury exists.

The CVRA purports to alter several requirements that plaintiffs would have to prove under the Federal Voting Rights Act, thereby making it easier to challenge at-large election systems.

The first suit under the CVRA was filed against the City of Modesto in 2004. Modesto challenged the facial constitutionality of the CVRA on the basis that, by using race as the sole criterion of liability, the CVRA contains a suspect racial classification that California was required to justify under equal protection strict scrutiny standards. The trial court struck down the statute but the California Court of Appeal reversed. (Sanchez v. City of Modesto (2006) 145 Cal.App.4th 660).

The City of Modesto ultimately settled the litigation, but not before paying plaintiffs $3 million dollars in attorneys’ fees to plaintiffs’ attorneys (the prevailing party [other than a public agency] is entitled to an award of their attorneys’ fees and costs under the CVRA) and another $1.7 million to its own attorneys.

Similarly, the Hanford Joint Union High School District was sued under the CVRA and after adopting trustee areas and establishing by-trustee area elections (and requesting and receiving the same waiver from the State Board of Education that is being requested here), paid plaintiffs in that lawsuit the sum of $110,000 pursuant to a settlement agreement. Most recently, the Madera
Unified School District has been sued under the CVRA and their November 2008 governing board member election was enjoined by the court. The Plaintiffs in that case demanded $1.8 million in attorneys’ fees from that District.

Normally, under Education Code section 5020, the County Committee on School District organization, after conducting its own public hearing on the recommended plans, would call for an election and put the matter to a vote of the District’s electors. However, going through that process would prevent the District from electing successor trustees in a timely manner and leaves the District vulnerable to a lawsuit and injunction.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election in November of 2012 which will reduce the District’s liability under the CVRA going forward.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  X
Renewal Waiver:  ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

<table>
<thead>
<tr>
<th>Local educational agency:</th>
<th>Dr. Shari L. Fox, Superintendent</th>
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<td>San Jacinto Unified School District</td>
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<th>Contact person’s e-mail address:</th>
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<tr>
<td><a href="mailto:sfox@sanjacinto.k12.ca.us">sfox@sanjacinto.k12.ca.us</a></td>
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Address:  
2045 S. San Jacinto Ave., San Jacinto, CA 92583

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<th>Phone (and extension, if necessary):</th>
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<tr>
<td>(951) 929-7700 x4211</td>
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<tr>
<td>Fax Number: (951) 652-7350</td>
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Period of request: (month/day/year)  
From: 01/01/12  To: 12/31/13

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**LEGAL CRITERIA**

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Portions of 5019, 5021, 5030 and all of 5020

Circle One:  EC or  CCR

Topic of the waiver: Requirement that establishment of trustee areas/adoption of by-trustee election process be put to a vote by the electors of the District.

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  _____ and date of SBE Approval______
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  __ No  X  Yes
If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): November 28, 2011

Name of bargaining unit and representative(s) consulted:

San Jacinto Teachers Association, Stefanie Seward, President

The position of the bargaining unit:  X  Neutral  _  Support  _  Oppose (Please specify why)

Classified School Employees Association – Chapter 189, Debbie Cornett, President

The position of the bargaining unit:  _  Neutral  X  Support  _  Oppose (Please specify why)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

X Notice in a newspaper  X Notice posted at each school  X Other: Posting at Public Library, City Hall and District Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

All school site councils and DELAC

Date the committee/council reviewed the waiver request: November 29, 2011

Were there any objection(s)?  No  X  Yes  ___  (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

*See Attachment A*

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

*See Attachment B*

8. Demographic Information:
San Jacinto Unified School District has a student population of 9,100 and is located in an urban area in Riverside County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**
- No ☒
- Yes ☐

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?**
- No ☒
- Yes ☐

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

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<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
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<tr>
<td>Dr. Shari L. Fox, Superintendent</td>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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Attachment A

6. Education Code or California Code of Regulations section to be waived

The San Jacinto Unified School District desires to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the
conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) the rearrangement of the boundaries of trustee areas for a particular district, then the rearrangement of the trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.

§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the
boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

“For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--Yes” and “For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No.”

“For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes” and “For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No.”

“For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes” and “For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No.”

“For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes” and “For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No.”

“For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes” and “For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No.”

“For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes” and “For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No.”

“For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes” and “For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No.”
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§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 and 5020 is approved by a majority of the voters voting at the election, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by a majority of the voters voting on the measure, or by the county committee on school district organization when no election is required, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved by a majority of the voters voting at the election, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Sections 5019 and 5020, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.
Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

In counties with a population of less than 25,000, the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.
6. Desired Outcome/ Rationale

The San Jacinto Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

It is imperative that the District adopt these areas and establish this process without delay and without interference because like many of the school districts that have been threatened with lawsuits under the California Voting Rights Act of 2001 ("CVRA"), the District currently utilizes an at-large election process to elect its governing board members. The District’s failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to such litigation in which the District would be exposed to potentially having to pay significant attorneys’ fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

CVRA History

The California Legislature enacted the California Voting Rights Act of 2001. (See California Elections Code §§ 14025-14032). This legislation makes all at-large election systems in California for cities, school districts and special districts vulnerable to legal attack, largely on proof of racially polarized voting, regardless of whether a majority district can be formed and, under the interpretation adopted by plaintiffs in other pending CVRA cases, without regard to the electoral success of minority candidates or the need to prove actual racial injury exists.

The CVRA purports to alter several requirements that plaintiffs would have to prove under the Federal Voting Rights Act, thereby making it easier to challenge at-large election systems.

The first suit under the CVRA was filed against the City of Modesto in 2004. Modesto challenged the facial constitutionality of the CVRA on the basis that, by using race as the sole criterion of liability, the CVRA contains a suspect racial classification that California was required to justify under equal protection strict scrutiny standards. The trial court struck down the statute but the California Court of Appeal reversed. (Sanchez v. City of Modesto (2006) 145 Cal.App.4th 660).

The City of Modesto ultimately settled the litigation, but not before paying plaintiffs $3 million dollars in attorneys’ fees to plaintiffs’ attorneys (the prevailing party [other than a public agency] is entitled to an award of their attorneys’ fees and costs under the CVRA) and another $1.7 million to its own attorneys.

Similarly, the Hanford Joint Union High School District was sued under the CVRA and after adopting trustee areas and establishing by-trustee area elections (and requesting and receiving the same waiver from the State Board of Education that is being requested here), paid plaintiffs in that lawsuit the sum of $110,000 pursuant to a settlement agreement. Most recently, the Madera Unified School District has been sued under the CVRA and their November 2008 governing board member election was enjoined by the court. The Plaintiffs in that case demanded $1.8 million in attorney fees from that District.
Normally, under Education Code section 5020, the County Committee on School District organization, after conducting its own public hearing on the recommended plans, would call for an election and put the matter to a vote of the District’s electors. However, going through that process would prevent the District from electing successor trustees in a timely manner and leaves the District vulnerable to a lawsuit and injunction.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election in November of 2012 which will reduce the District’s liability under the CVRA going forward.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

Local educational agency: Selma Unified School District
Contact name and Title: Mark Sutton, Superintendent
Contact person’s e-mail address: msutton@selma.k12.ca.us
Address: 3036 Thompson Ave.  Selma, CA 93662
Phone (and extension, if necessary): (559) 898-6500  Fax Number: (559) 896-7147

Period of request: From: January 1, 2012  To: December 31, 2012
Local board approval date: April 12, 2011 and May 10, 2011
Date of public hearing: May 10, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Education Code § 5020 and portions of § 5019, 5021 and 5030
Topic of the waiver: Waiver of elections requirement for change to by-trustee area elections.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: N/A  and date of SBE Approval: N/A
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? No X Yes  If yes, please complete required information below:
Bargaining unit(s) consulted on date(s): 11/28/2011, 11/30/2011, 12/05/2011, 12/08/2011
Name of bargaining unit and representative(s) consulted: (CSEA) California School Employees Association Chapter 231, Annmarie Summers, President; and Selma Unified Teachers Association, Cynthia Miller, President
The position(s) of the bargaining unit(s): Neutral X Support __ Oppose (Please specify why)
Comments (if appropriate): Both employee unions have submitted letters of support on behalf of their members.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.
How was the required public hearing advertised? ___ Notice in a newspaper  X Notice posted at each school  X Other: (Please specify) Notice posted at three public places in the school district.
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   - School Site Council reviewed on:
     - November 28, 2011 Selma High School Parent Club
     - November 30, 2011 Terry Elementary School
     - December 5, 2011 Abraham Lincoln Middle School
     - December 8, 2011 Indianola Elementary School and Eric White Elementary School
     - December 14, 2011 District DELAC Committee and Migrant Committee
   
   Were there any objection(s)? No [X] Yes [ ] (If there were objections please specify)

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   Please see Attachment A.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   Please see Attachment B.

8. Demographic Information:

   District has a student population of 6,390 and is located in a rural city in Fresno County.

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**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**

- No [X] Yes [ ]

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?**

- No [X] Yes [ ]

(If yes, please attach explanation or copy of CPM finding)
**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

| Signature of Superintendent or Designee: Is/ Mark Sutton | Title: District Superintendent | Date: December 15, 2011 |

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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<tr>
<th>Staff Name (type or print):</th>
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6. Education Code or California Code of Regulations section to be waived

Request to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.
(d) If the county committee on school district organization approves pursuant to subdivision (a) the rearrangement of the boundaries of trustee areas for a particular district, then the rearrangement of the trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.

§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the voters of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the voters of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the voters of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.
(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."

"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."

"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."

"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."

"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.
§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 and 5020 is approved by a majority of the voters voting at the election, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by a majority of the voters voting on the measure, or by the county committee on school district organization when no election is required, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved by a majority of the voters voting at the election, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Sections 5019 and 5020, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

In counties with a population of less than 25,000, the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this
section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.
7. **Desired Outcome/Rationale**

Currently, each of the Selma Unified School District’s (“District”) five (5) school board members is elected “at large.”

On April 12, 2011, the Board voted to change from at-large elections to by-trustee area elections for the November 2012 elections in an effort to ensure compliance with the Voting Rights Act and to help prevent the District from being entangled in costly lawsuits that other cities and districts have faced. This change would require trustees to live in designated trustee areas and trustees would be elected only by voters residing in their trustee area, not by all voters voting at-large.

During the past school year, the Board conducted numerous public hearings on these issues during regular meetings of the Governing Board and presented the issues for discussion and input at Site Council and Parents’ Club meetings. The Board is in the process of approving a final trustee area map which will be presented for approval to the Fresno County Committee on School District Organization in January 2012.

The District requests that the State Board of Education grant a waiver of the requirement for a local election to approve the change in the manner of electing school board members (e.g. from at-large elections to by-trustee area elections). This requirement is contained primarily in Education Code section 5020 (see Attachment A).

If the waiver is approved by the State Board of Education, a local election would not be held: the system for electing trustees would change pursuant to the District’s Resolution adopted on April 12, 2011, to change to by-trustee area elections for implementation during the November 2012 elections.

If the waiver is approved by the State Board, the change in voting procedures and the final trustee area map will be forwarded to the Fresno County Elections Office in time for implementation in the November 2012 elections.

There has been no opposition to the District’s plan at the numerous hearings and meetings held during 2011. No community members, school district employees, or other interested persons have opposed the waiver or the change to by-trustee area elections.
The Governing Board of Selma Unified School District has determined that the public interest would be better served if trustees were elected by by-trustee areas and makes the following points in support of the waiver:

1. Selecting trustees in by-trustee area elections enhances the opportunity for representation on the Board of all communities within the District.

2. Selecting trustees in by-trustee area election will enhance the ability for a greater number of candidates to run for seats on the school board by reducing the costs associated with running for election district wide.

3. Questions have been raised about the current electoral system’s legality under the California Voting Rights Act. If not waived and if the Governing Board’s measure to move to by-trustee area elections is defeated at an election, the District would continue to be vulnerable to a legal challenge regarding the establishing of by-trustee area elections.

4. The SBE is in a position to support local decision-making, while providing the District a limited range of discretion that insures it meets the legal requirements for such change, and reflects the SBE’s policy of support of local community plans to broaden community involvement in school district governance.

5. The decision to change to by-trustee area elections and to request this waiver was supported unanimously by the Governing Board.

6. There has been no opposition to the plan.

7. The Governing Board of the Selma Unified School District represents the electorate, and has unanimously resolved to adopt by-trustee area elections and to request this waiver.

The waiver of the election requirement will ensure that the District proceeds in the most efficient and cost-effective manner, and is protected from legal challenges. Approval of the waiver request will not remove the requirement that any future District governing board member be elected by voters in the district. The waiver only eliminates the requirement that an election be held to determine the method by which future board members will be elected.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency: SUNDALE UNION ELEMENTARY SCHOOL DISTRICT

Contact name and Title: TERRI RUFERT, SUPERINTENDENT

Contact person’s e-mail address: TERRI.RUFERT@SUNDALE.ORG

Address: 13990 AVENUE 240 (City) TULARE (State) CA (ZIP) 93274

Phone (and extension, if necessary): 559/688-7451
Fax Number: 559/688-5905

Period of request: (month/day/year)
From: 10/1/2011 To: 9/31/2013

Local board approval date: (Required)
JUNE 8, 2010 & OCTOBER 25, 2011

Date of public hearing: (Required)
JUNE 8, 2010 & OCTOBER 25, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Circle One: EC or CCR

   Topic of the waiver: WAIVER OF ELECTORAL REQUIREMENTS OF EDUCATION CODE §§ 5019, 5020 AND 5030 TO ESTABLISH TRUSTEE AREAS AND ADOPT A BY-TRUSTEE AREA ELECTORAL PROCESS

2. If this is a renewal of a previously approved waiver, please list Waiver Number: N/A and date of SBE Approval N/A

   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): May 28, 2010 & June 10, 2010

   Name of bargaining unit and representative(s) consulted: SHARON FIEN, CSEA PRESIDENT
   STACY TINER, STA (CTA) PRESIDENT

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (Please specify why)
   BOTH

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   __ Notice in a newspaper _X_ Notice posted at each school _X_ Other: (Please specify) Posted at District office and at 2 mini mart sites in the District that are well-visited

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   SCHOOL SITE COUNCIL & ENGLISH LANGUAGE ADVISORY COMMITTEE

   Date the committee/council reviewed the waiver request: 5/20/2010

   Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

SEE ATTACHMENT A HERETO

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Pursuant to EC § 5019(a), the Tulare County Committee on School District Organization (“TCCSDO”) has the authority to approve or disapprove Sundale Union School District’s adoption of by-trustee area elections. Sundale Union School District adopted a resolution applying to the County Committee to authorize a change of election for the November 2012 election. The TCCSDO has tentatively approved the change, subject to submission and approval of a specific trustee area plan. This waiver is sought contingent on TCCSDO’s approval of the change to the District’s electoral system. The approval of by-trustee area elections by the TCCSDO would normally constitute an order of election (EC § 5020); however, a waiver of the election requirement by SBE would allow for the adoption and subsequent implementation of by-trustee area elections without a local election. Also, the subsequent approval of a specific trustee area plan would normally be subject to a referendum period, but if qualified such a referendum would preclude by-trustee area elections in 2012. [See Attachment B and Sundale Union School District Resolution No. 13 (2009-2010) and Resolution No. 5 (2011-2012), attached hereto.]

8. Demographic Information:

Sundale Union School District has a student population of 804 and is located in a *small city* in TULARE County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  
No ☑  Yes ☐

(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue?  
No ☑  Yes ☐

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:  
Title: SUPERINTENDENT  
Date: OCTOBER ____, 2011

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print):  
Staff Signature:  
Date:

Unit Manager (type or print):  
Unit Manager Signature:  
Date:

Division Director (type or print):  
Division Director Signature:  
Date:

Deputy (type or print):  
Deputy Signature:  
Date:
6. Education Code or California Code of Regulations section to be waived

Request to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on
the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) the rearrangement of the boundaries of trustee areas for a particular district, then the rearrangement of the trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.

§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.
(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."

"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."

"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."

"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."

"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the
establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 and 5020 is approved by a majority of the voters voting at the election, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by a majority of the voters voting on the measure, or by the county committee on school district organization when no election is required, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved by a majority of the voters voting at the election, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Sections 5019 and 5020, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.
(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

In counties with a population of less than 25,000, the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.
7. Desired Outcome/Rationale

The waiver of the election requirements in 5019(d) and 5020 will enable the Sundale Union School District ("SUSD" or "District") to implement a new "by-trustee area" electoral system for its November 2012 elections, will ensure that the District proceeds in the most efficient and cost-effective manner, and will help protect the District from legal challenges. Approval of the waiver request will not remove the requirement that any future District governing board member be elected by voters in the District. The waiver only eliminates the requirement that an election be held to determine the method by which future board members will be elected.

Tulare County has recently become an epicenter of potential litigation under the California Voting Rights Act of 2002, codified at sections 14025–14032 of the California Elections Code ("CVRA"). The CVRA enables voters to challenge "at-large" electoral systems in which elections are characterized by "racially-polarized voting." As importantly, it authorizes mandatory attorneys’ fee and expert fee awards to successful plaintiffs.

Recent litigation under the Act has resulted in fee awards as high as 7 figures: The City of Modesto defended against a suit under the CVRA and ended up paying $3 million to plaintiffs’ attorneys, in addition to $1.7 million to its own attorneys. While that case involved an appeal and (unsuccessful) petitions for review and certiorari to the California and U.S. Supreme Courts, the $4.7 million did not include any costs for an actual trial, as the case never reached that state, settling before that time. And then in 2008, Madera Unified was sued under the CVRA, and after six weeks of uncontested litigation was served with a fee demand of $1.2 million (a number that continues to go up as fee proceedings continue).

In recent years, two nearby jurisdictions have been sued under the CVRA—the Tulare Local Healthcare District settled a suit for $500,000 in 2010, and agreed to put the question of changing its electoral system to the voters; the City of Tulare likewise settled a suit, agreeing to put a similar question to its voters, and to pay plaintiffs’ attorneys’ fees (rumored to be in the range of $250,000). Faced with this spate of litigation, several of SUSD’s neighboring districts have adopted by-trustee elections under Education Code § 5030(b). In a by-trustee area system of election, candidates for a district’s governing board must reside within a specific geographic subarea of the district called a “trustee area” and candidates are elected only by the voters of that trustee area. They have done so under threat of litigation under the CVRA. We also understand that the same organization that brought the Modesto and Madera suits has made further inquiries regarding other Tulare area districts.

SUSD currently elects its five-member board in “at-large” elections (i.e., elections in which each candidate for the Board is elected by all voters in the District) pursuant to
Education Code § 5030(a), and is therefore potentially vulnerable to suit under the CVRA.¹

On May 12, 2009, the Board adopted Resolution No. 17 (2008-2009), initiating an application to the County Committee to change the District’s method of election to “by-trustee area” elections, i.e., elections in which “one or more members residing in each trustee area [is] elected by the registered voters of that particular trustee area[,]” Cal. Elec. Code § 5030(b).

On November 30, 2009, the County Committee held a duly-noticed public hearing on the Board’s proposal to change the District’s method of election. Following that public hearing the County Committee tentatively approved the change of electoral system to “by-trustee area” elections, subject to the subsequent approval by the County Committee of a specific trustee area plan for use in 2012 and future District elections.

On October 25, 2011, following the release of the 2010 Census, the SUSD Board adopted a trustee area plan for submission to, and approval by, the TCCSDO. Action is expected on that proposal in the next few months.

In the normal course, the TCCSDO’s approval of a change to the District’s electoral system would act as an order of election, submitting the change to the District’s voters at the November 2012 election. That, however, will preclude the District from implementing the new system in time for that election. Accordingly, the Board consulted with its advisory committees, school site councils and bargaining units, and held a duly-noticed public hearing, and on June 8, 2010, approved submission of a waiver of the electoral requirement.

The submission was delayed while a trustee area plan was approved and submitted to the TCCSDO. Accordingly, the Board held a supplemental hearing on the waiver application, on October 25, 2011, and re-affirmed its decision to submit this application. If the waiver is approved, a local election would not be held: the system for electing trustees would change pursuant to the Resolution adopted by the SUSD Board in 2009, and the approval of the TCCSDO. This waiver application is submitted contingent upon approval of the application by the TCCSDO.

The District is also proposing a trustee area boundary plan for the TCCSDO’s consideration and approval, following an extensive public process. Though that plan will not be subject to an automatic vote of the people, it is subject to the possibility of a referendum under § 5019(d). Such a referendum, if qualified, would defeat the District’s ability to implement by-trustee area elections in 2012.

¹ This does not represent a concession by the District that such a suit would be meritorious. There is presently not any formal allegation of racially-polarized voting in District elections. But no case has yet definitively construed the Act’s many ambiguous provisions, and there are outstanding questions about what a plaintiff must prove to prevail under the Act. That uncertainty, coupled with the potential for massive fee awards, creates a significant disincentive to contest such a suit.
There has been no public opposition to the waiver application. The SUSD Board has therefore determined that the public interest would be better served if trustees were elected by-trustee areas and makes the following points in support of the waiver:

1. Questions have been raised about the current electoral system’s legality under the California Voting Rights Act. If not waived and if a measure to institute by-trustee area elections is defeated, the District would continue to be vulnerable to a legal challenge regarding the establishing of by-trustee area elections. Though the District does not concede that the current system would violate the CVRA, and has not itself been directly threatened with litigation, it has no desire to risk costly litigation under the Act.

2. The request for waiver is contingent upon the TCCSDO’s approval of by-trustee area elections. The SBE can therefore grant this waiver with the assurance that the District’s proposal will nevertheless be subjected to independent review by the TCCSDO, composed of disinterested officials familiar with local circumstances.

3. No member of the public spoke against the waiver at the duly-noticed public hearings.

4. There has been minimal opposition to the plan.
General Waiver Request

First Time Waiver: ___  
Renewal Waiver: ___

Send Original plus one copy to: 
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

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Local educational agency: Turlock Unified School District

Contact name and title: Dr. Sonny H. Da Marto, Superintendent

Contact person’s e-mail address: sdamarto@turlock.k12.ca.us

Address:
1574 E. Canal Drive
Turlock, CA 95380
P.O. Box 819013
Turlock, CA 95381

Phone (and extension, if necessary): (209) 667-0633
Fax Number: (209) 667-6520

Period of request: From: 3/7/12 To: 2/27/14
Local board approval date: 6/27/11
Date of public hearing: 6/7/11 and 6/21/11

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): EC5020 & portions Of 5019, 5021, and 5030

Topic of the waiver: Waiver of elections requirement for change to by-trustee area elections.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _N/A__ and date of SBE Approval _N/A__

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  _X_ Yes  If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):  
Turlock Teachers Association (5/9/11) Julie Shipman, President  
Turlock Classified American Federation of Teachers (5/9/11) Reggie Gomes, President  
California School Employees Association (5/9/11) Lisa Narciso, Vice President

Name of bargaining unit and representative(s) consulted:

The position(s) of the bargaining unit(s):  __ Neutral  _X_ Support  __ Oppose (Please specify why)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agendas does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?  
_X_ Notice in a newspaper  _X_ Notice posted at each school  _X_ Other: (Please specify) Posted on District website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: 5/5/11

Were there any objection(s)?  No  X  Yes (If there were objections please specify)

See attached letters of support
6. **Education Code** or **California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

See attached

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

See attached

8. Demographic Information:

   *(District/school/program)* District__ has a student population of _13,504_ and is located in a __*(urban, rural, or small city etc.)*__ small city__ in _Stanislaus and Merced_________ Counties.__

   **Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**
   - No X
   - Yes □

   *(If yes, please attach explanation or copy of audit finding)*

   **Has there been a Categorical Program Monitoring (CPM) finding on this issue?**
   - No X
   - Yes □

   *(If yes, please attach explanation or copy of CPM finding)*

   **District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

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<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
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### FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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TURLOCK UNIFIED SCHOOL DISTRICT
WAIVER APPLICATION

Attachment A

6. The Turlock Unified School District desires to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.
(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) the rearrangement of the boundaries of trustee areas for a particular district, then the rearrangement of the trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.

§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.
(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

"For the establishment (or abolition or rearrangement) of trustee areas in ______ (insert name) School District--Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ______ (insert name) School District--No."

"For increasing the number of members of the governing board of ______ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ______ (insert name) School District from five to seven--No."

"For decreasing the number of members of the governing board of ______ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ______ (insert name) School District from seven to five--No."

"For the election of each member of the governing board of the ______ (insert name) School District by the registered voters of the entire ______ (insert name) School District--Yes" and "For the election of each member of the governing board of the ______ (insert name) School District by the registered voters of the entire ______ (insert name) School District--No."

"For the election of one member of the governing board of the ______ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ______ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ______ (insert name) School District residing in each trustee area elected by the registered voters of the entire ______ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ______ (insert name) School District residing in each trustee area elected by the registered voters of the entire ______ (insert name) School District--No."

"For the establishment (or abolition) of a common governing board in the ______ (insert name) School District and the ______ (insert name) School District--Yes" and "For the
establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 and 5020 is approved by a majority of the voters voting at the election, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by a majority of the voters voting on the measure, or by the county committee on school district organization when no election is required, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved by a majority of the voters voting at the election, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Sections 5019 and 5020, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.
The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

In counties with a population of less than 25,000, the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.
7. Desired Outcome/Rationale

Currently, each of the Turlock Unified School District’s (“District”) seven (7) school board members are elected at large.

On January 9, 2010, the Board voted to change from at-large elections to by-trustee area elections beginning with the 2013 election. This change would require trustees to live in designated trustee areas and be elected only by voters residing in their trustee area, not by all voters voting at-large. This decision was made based on an effort to ensure compliance with the California Voting Rights Act and to help prevent the District from being entangled in costly lawsuits that other cities and districts have faced.

The District requests that the State Board of Education grant a waiver of the requirement for a local election to approve the change in the manner of electing school board members (e.g. from at-large elections to by-trustee area elections). This requirement is contained primarily in Education Code section 5020. (See attachment A).

If the waiver is approved by the State Board of Education and the change to by-trustee area elections is approved by the Stanislaus County Committee on School District Reorganization, a local election would not be held: the system for electing trustees would change pursuant to the District’s Resolution adopted on June 27, 2011 to change to by-trustee area elections for implementation during the November 2013 elections.

The board conducted public hearings on these issues on June 7, 2011 and June 21, 2011. The Board approved final trustee area maps by Resolution dated June 27, 2011, for presentation to the Stanislaus County Committee on School District Reorganization in 2012.

If approved by the County Committee, the change in voting procedures and the final trustee area maps will be forwarded to the Elections Offices for Stanislaus and Merced counties in time for implementation during the November 2013 elections.

There was no opposition to the District’s plan at the public hearings held by the Governing Board on June 7, 2011 and June 21, 2011, regarding the change to by-trustee area elections and the request for SBE’s waiver of the election requirement. No community members, bargaining unit representatives, or other interested persons have opposed the waiver or the change to by-trustee area elections. The Governing Board of Turlock Unified School District has determined that the public interest would be better served if trustees were elected by-trustee areas and makes the following points in support of the waiver:

1. Selecting trustees in by-trustee area elections enhances the opportunity for representation on the Board of all communities within the District.
2. Selecting trustees in by-trustee area election will enhance the ability for a greater number of candidates to run for seats on the school board by reducing the costs associated with running for election district wide.

3. The current electoral system leaves the District vulnerable to attack under the California Voting Rights Act. If not waived and if the Governing Board’s measure to move to by-trustee area elections is defeated at an election, the District would continue to be vulnerable to a legal challenge regarding the establishing of by-trustee area elections.

4. The request for a waiver is conditioned on the Fresno County Committee on School District Reorganization’s approval. The SBE is in a position to support local decision-making, while providing the District a limited range of discretion that insures it meets the legal requirements for such change, and reflects the SBE’s policy of support of local community plans to broaden community involvement in school district governance.

5. The decision to change to by-trustee area elections and to request this waiver was supported unanimously by the Governing Board.

6. There has been no opposition to the plan. The District encouraged the community to be involved in drafting the trustee area maps.

7. The Governing Board of the Turlock Unified School District represents the electorate, and has unanimously resolved to adopt by-trustee area elections and to request this waiver.

8. A copy of the District’s resolution dated June 27, 2011 is attached.

The conditional waiver of the election requirement will ensure that the District proceeds in the most efficient and cost-effective manner, and is protected from legal challenges. Approval of the waiver request will not remove the requirement that any future District governing board member be elected by voters in the district. The waiver only eliminates the requirement that an election be held to determine the method by which future board members will be elected.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  X
Renewal Waiver:  __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency:
Woodland Joint Unified School District
Debra LaVoi, Ed.D., Superintendent

Address: 435 6th St.  (City) Woodland, (State) CA (ZIP) 95695-4109

Contact person’s e-mail address: debra.lavoi@wjusd.org

Phone (and extension, if necessary): 530-406-3203
Fax Number: 530-662-6956

Period of request:  (month/day/year)
From: 01/01/12 To: 12/31/13

Local board approval date: (Required)
December 8, 2011

Date of public hearing: (Required)
December 8, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Portions of 5019, 5021, 5030 and all of 5020

Circle One: EC or CCR

Topic of the waiver: Requirement that establishment of trustee areas/adoption of by-trustee election process be put to a vote by the electors of the District.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  X Yes  If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): November 16 and December 6, 2011

Name of bargaining unit and representative(s) consulted: CSEA, President Elizabeth Reiff and Negotiation Team for CSEA; WJUSDTA, President Bobby Rogers and Negotiation Team for Woodland Education Association

The position(s) of the bargaining unit(s):  __ Neutral  X  Support  __ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

X Notice in a newspaper  X Notice posted at each school  X Other: Announced at all School Site Council Meetings and District English Learner Advisory Committee Meetings, and posted at 4 public places: Yolo County Office of Education, Woodland Senior and Community Center, Woodland City Hall, and Woodland Public Library

CD CODE
5 7 7 2 7 1 0
5. Advisory committee or School Site Councils. Please identify the council(s) or committee that reviewed this waiver: All School Site Councils and DELAC. Date the committee/council reviewed the waiver request:

<table>
<thead>
<tr>
<th>School Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beamer Elementary School</td>
<td>November 8, 2011</td>
</tr>
<tr>
<td>Freeman Elementary School</td>
<td>November 8, 2011</td>
</tr>
<tr>
<td>Zamora Elementary School</td>
<td>November 8, 2011</td>
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<tr>
<td>Tafoya Elementary School</td>
<td>November 10, 2011</td>
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<tr>
<td>Pioneer High School</td>
<td>November 14, 2011</td>
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<tr>
<td>Lee Middle School</td>
<td>November 14, 2011</td>
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<tr>
<td>Woodland High School</td>
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<td>Gibson Elementary School</td>
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<td>Maxwell Elementary School</td>
<td>November 16, 2011</td>
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<td>Woodland Prairie Elementary School</td>
<td>November 16, 2011</td>
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<td>Douglass Middle School</td>
<td>November 28, 2011</td>
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<tr>
<td>Dingle Elementary School</td>
<td>November 29, 2011</td>
</tr>
<tr>
<td>Plainfield Elementary School</td>
<td>November 30, 2011</td>
</tr>
<tr>
<td>Whitehead Elementary School</td>
<td>November 30, 2011</td>
</tr>
<tr>
<td>Cache Creek High School</td>
<td>November 30, 2011</td>
</tr>
<tr>
<td>DELAC</td>
<td>November 7, 2011 and December 5, 2011</td>
</tr>
</tbody>
</table>

Were there any objection(s)? No X Yes ___ (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

See Attachment A

<table>
<thead>
<tr>
<th>7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Attachment B</td>
</tr>
</tbody>
</table>

8. **Demographic Information:**
Woodland Joint Unified School District has a student population of 10,040 and is located in a Rural and Small City in Yolo County.

<table>
<thead>
<tr>
<th>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</th>
<th>No ☒ Yes ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>(If yes, please attach explanation or copy of audit finding)</td>
<td></td>
</tr>
</tbody>
</table>

| Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐ |
|---|---|
| (If yes, please attach explanation or copy of CPM finding) |

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debra LaVoi, Ed.D., Superintendent</td>
<td></td>
<td>December 8, 2011</td>
</tr>
</tbody>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

<table>
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<th>Staff Name (type or print):</th>
<th>Staff Signature:</th>
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<table>
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<table>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Attachment A

6. Education Code or California Code of Regulations section to be waived

The Woodland Joint Unified School District desires to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.
(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) the rearrangement of the boundaries of trustee areas for a particular district, then the rearrangement of the trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.

§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.
(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—No."

"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—No."

"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—No."

"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—No."
If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 and 5020 is approved by a majority of the voters voting at the election, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by a majority of the voters voting on the measure, or by the county committee on school district organization when no election is required, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved by a majority of the voters voting at the election, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Sections 5019 and 5020, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.
Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

In counties with a population of less than 25,000, the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.
Attachment B

6. Desired Outcome/ Rationale

The Woodland Joint Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

It is imperative that the District adopt these areas and establish this process without delay and without interference because like many of the school districts that have been threatened with lawsuits under the California Voting Rights Act of 2001 (“CVRA”), the District currently utilizes an at-large election process to elect its governing board members. The District’s failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to such litigation in which the District would be exposed to potentially having to pay significant attorneys’ fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

CVRA History

The California Legislature enacted the California Voting Rights Act of 2001. (See California Elections Code §§ 14025-14032). This legislation makes all at-large election systems in California for cities, school districts and special districts vulnerable to legal attack, largely on proof of racially polarized voting, regardless of whether a majority district can be formed and, under the interpretation adopted by plaintiffs in other pending CVRA cases, without regard to the electoral success of minority candidates or the need to prove actual racial injury exists.

The CVRA purports to alter several requirements that plaintiffs would have to prove under the Federal Voting Rights Act, thereby making it easier to challenge at-large election systems.

The first suit under the CVRA was filed against the City of Modesto in 2004. Modesto challenged the facial constitutionality of the CVRA on the basis that, by using race as the sole criterion of liability, the CVRA contains a suspect racial classification that California was required to justify under equal protection strict scrutiny standards. The trial court struck down the statute but the California Court of Appeal reversed. (Sanchez v. City of Modesto (2006) 145 Cal.App.4th 660).

The City of Modesto ultimately settled the litigation, but not before paying plaintiffs $3 million dollars in attorneys’ fees to plaintiffs’ attorneys (the prevailing party [other than a public agency] is entitled to an award of their attorneys’ fees and costs under the CVRA) and another $1.7 million to its own attorneys.

Similarly, the Hanford Joint Union High School District was sued under the CVRA and after adopting trustee areas and establishing by-trustee area elections (and requesting and receiving the same waiver from the State Board of Education that is being requested here), paid plaintiffs in
that lawsuit the sum of $110,000 pursuant to a settlement agreement. Most recently, the Madera Unified School District has been sued under the CVRA and their November 2008 governing board member election was enjoined by the court. The Plaintiffs in that case demanded $1.8 million in attorneys fees from that District.

Normally, under Education Code section 5020, the County Committee on School District organization, after conducting its own public hearing on the recommended plans, would call for an election and put the matter to a vote of the District’s electors. However, going through that process would prevent the District from electing successor trustees in a timely manner and leaves the District vulnerable to a lawsuit and injunction.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election in November of 2012 which will reduce the District’s liability under the CVRA going forward.
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2012 AGENDA

General Waiver

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>Action</th>
<th>Consent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request by two districts to waive California Education Code Section 5020 and portions of sections 5019, 5021, and 5030 that require a district-wide election to establish new trustee areas.</td>
<td></td>
<td></td>
</tr>
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</table>

Waiver Numbers: Livingston Union Elementary 9-12-2011  
Perris Union High 10-12-2011

RECOMMENDATION

- Approval  
- Approval with conditions  
- Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California State Board of Education (SBE) has approved numerous similar waiver requests during the past three years—the most recent ones were waiver requests from fourteen school districts that were approved at the January 11, 2012, SBE meeting.

SUMMARY OF KEY ISSUES

Approval of this waiver request would eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future governing board elections in the two listed school districts. Voters in the districts will continue to elect all board members—however, should the waiver be approved, all board members will be elected by trustee areas, beginning with the next regular board elections.

The county committee on school district organization (county committee) has the authority to approve or disapprove the adoption of trustee areas and a method of election for school district governing board elections. Pursuant to Section 5020 of the California Education Code (EC), county committee approval of trustee areas and methods of elections constitutes an order of election; thus, voters in the district have final approval over these changes.

A number of districts in California are facing existing or potential litigation under the California Voting Rights Act of 2001 over their at-large election methods. To help protect themselves from potential litigation, the eleven school districts are taking action to establish new trustee areas and adopt by-trustee-area methods of election for the governing boards. In order to establish these trustee areas and the methods of election as expeditiously as possible, the districts are requesting that the SBE waive the
SUMMARY OF KEY ISSUES (Cont.)

requirement that the trustee areas and the election methods be approved at
district-wide elections.

These waiver requests have been reviewed by California Department of Education
(CDE) staff and a determination has been made that: (1) the waivers were initiated by
resolutions of the governing boards; and, (2) there was no significant public opposition
to the waivers at the public hearings held by the governing boards.

Only the election to establish trustee areas and election method will be eliminated by
approval of the waiver request—voters in the school district will continue to elect all
governing board members. Moreover, approval of the waivers will not eliminate any
existing legal rights of currently seated board members.

The CDE finds that none of the grounds specified in EC Section 33051, which authorize
denial of a waiver, exist. The CDE recommends that the SBE approve the requests by
the two school districts to waive EC Section 5020 in its entirety and portions of sections
5019, 5021, and 5030.

Because this is a general waiver, if the SBE decides to deny the waiver, it must
cite one of the seven reasons in EC 33051(a). The state board shall approve any and
all requests for waivers except in those cases where the board specifically finds any of
the following: (1) The educational needs of the pupils are not adequately addressed. (2)
The waiver affects a program that requires the existence of a schoolsite council and the
schoolsite council did not approve the request. (3) The appropriate councils or advisory
committees, including bilingual advisory committees, did not have an adequate
opportunity to review the request and the request did not include a written summary of
any objections to the request by the councils or advisory committees. (4) Pupil or school
personnel protections are jeopardized. (5) Guarantees of parental involvement are
jeopardized. (6) The request would substantially increase state costs. (7) The exclusive
representative of employees, if any, as provided in Chapter 10.7 (commencing with
Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in
the development of the waiver.

Authority for Waiver: EC Section 33050

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver requests will not have negative fiscal effects on any local or state
agency. Failure to approve the waiver requests will result in the additional costs to the
districts for a district-wide election.

ATTACHMENT(S)

Attachment 1: Trustee area election waivers (1 page)
Attachment 2: California Education Code sections to be waived (5 pages)
Attachment 3: Livingston Union Elementary School District (9-12-2011) General Waiver Request for Trustee Area Elections. (8 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Perris Union High School District (10-12-2011) General Waiver Request for Trustee Area Elections. (9 Pages) (Original waiver request is signed and on file in the Waiver Office.)
<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>Streamlined Waiver Process</th>
<th>Period of Request</th>
<th>Demographic Information</th>
<th>Local Board Public Hearing and Approval Dates</th>
<th>Bargaining Unit/Representatives Consulted and Dates/Position</th>
<th>Advisory Committees Consulted and Dates</th>
<th>Public Hearing Advertisement</th>
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<tr>
<td>9-12-2011</td>
<td>Livingston Union School District</td>
<td>Does not meet</td>
<td>Requested: January 1, 2012 through December 31, 2013; Recommended: January 1, 2012 through December 30, 2013</td>
<td>The Livingston Union SD has a student population of 2,541 and is located in a rural city in Merced County.</td>
<td>December 8, 2011.</td>
<td>California School Employees Association, Sabine Cole, President, 11/17/11: <strong>Neutral</strong>; Livingston Elementary Teachers Association, Rene Banda, President, 11/17/11: <strong>Oppose</strong></td>
<td>District English Learner Advisory Committee, 11/17/11</td>
<td>Notice posted in newspaper; Notice posted at each school; Other - Notice posted at City Hall, Public Library and District Office.</td>
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<tr>
<td>10-12-2011</td>
<td>Perris Union High School District</td>
<td>Does not meet</td>
<td>Requested: January 1, 2012 through December 31, 2013; Recommended: January 1, 2012 through December 30, 2013</td>
<td>The Perris Union HSD has a student population of 10,648 and is located in a rural/suburban area in Riverside County.</td>
<td>December 7, 2011.</td>
<td>Perris Union HSD Teachers Association, Paul Clay, President, 11/18/11: <strong>Oppose</strong>; Classified School Employees Association, Adam Weinberger, President, 11/18/11: <strong>Neutral</strong></td>
<td>District English Learner Advisory Committee, 11/18/11; Pinacate Middle School Site Council (SSC) 11/18/11; Paloma Valley High SSC, 11/18/11; Perris Lake High SSC, 11/18/11; The Academy SSC, 11/18/11; Perris High SSC, 11/18/11; Heritage High SSC, 11/18/11; California Military Institute, 11/18/2011; Choice 2000, 11/18/11</td>
<td>Notice posted in newspaper; Notice posted at each school; Other - Notice posted at Perris City Hall, Menifee City Hall and Perris Union High School District Office.</td>
</tr>
</tbody>
</table>
California Education Code sections to be waived

The following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.
(d) If the county committee on school district organization approves pursuant to subdivision (a) the rearrangement of the boundaries of trustee areas for a particular district, then the rearrangement of the trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.

§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding
statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."

"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."

"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."

"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."

"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved.
by a greater number of voters. An inconsistent proposal approved by a lesser number of
voters than the number which have approved a proposal to adopt one of the methods of
election of board members specified in Section 5030 shall not be effective.

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019
and 5020 is approved by a majority of the voters voting at the election, any affected
incumbent board member shall serve out his or her term of office and succeeding board
members shall be nominated and elected in accordance with Section 5030. In the
event two or more trustee areas are established at such election which are not
represented in the membership of the governing board of the school district, or
community college district the county committee shall determine by lot the trustee area
from which the nomination and election for the next vacancy on the governing board
shall be made.

(b) If a proposal for rearrangement of boundaries is approved by a majority of the voters
voting on the measure, or by the county committee on school district organization when
no election is required, and if the boundary changes affect the board membership, any
affected incumbent board member shall serve out his or her term of office and
succeeding board members shall be nominated and elected in accordance with Section
5030.

(c) If a proposal for abolishing trustee areas is approved by a majority of the voters
voting at the election, the incumbent board members shall serve out their terms of office
and succeeding board members shall be nominated and elected at large from the
district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community
college district having trustee areas, the county committee on school district
organization and the registered voters of a district, pursuant to Sections 5019 and 5020,
respectively, may at any time recommend one of the following alternate methods of
electing governing board members:

(a) That each member of the governing board be elected by the registered voters of
the entire district.

(b) That one or more members residing in each trustee area be elected by the
registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the
entire school district or community college district, but reside in the trustee area which
he or she represents.

The recommendation shall provide that any affected incumbent member shall serve
out his or her term of office and that succeeding board members shall be nominated
and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one
of the alternative methods of electing governing board members.
In counties with a population of less than 25,000, the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency:
Livingston Union School District
Andres Zamora, Superintendent
Contact person’s e-mail address:
azamora@lusd.k2.ca.us

Address: 922 B Street (City) Livingston (State) CA (ZIP) 95334
Phone (and extension, if necessary): 209-394-5421 /Fax No: 209-394-5401

Period of request: (month/day/year) From: 01/01/12 To: 12/31/13
Local board approval date: (Required) December 8, 2011
Date of public hearing: (Required) December 8, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Portions of 5019, 5021, 5030 and all of 5020
Circle One: EC or CCR
Topic of the waiver: Requirement that establishment of trustee areas/adoption of by-trustee election process be put to a vote by the electors of the District.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No ✓ Yes
If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): November 17, 2011

Name of bargaining unit and representative(s) consulted: Classified School Employees Assoc., Sabine Cole, President
The position(s) of the bargaining unit(s): ✓ Neutral ___ Support ___ Oppose (Please specify why)

Name of bargaining unit and representative(s) consulted: Livingston Elem. Teachers Assoc., Rene Banda, President
The position(s) of the bargaining unit(s): ___ Neutral ___ Support ✓ Neutral Oppose (Please specify why) : No reason stated.
Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?
✓ Notice in a newspaper ✓ Notice posted at each school _✓_ Other: (Please specify) City Hall, Public Library and District Office
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   All school site councils and DELAC   District English Learner Advisory Committee

   Date the committee/council reviewed the waiver request: **November 17, 2011**
   Were there any objection(s)? No _✓_    Yes ___  (If there were objections please specify)

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

   See Attachment A

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   See Attachment B

8. Demographic Information:

   Livingston Union School District has a student population of 2,541 and is located in a rural city in Merced County.

   Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  No ☐    Yes ☐  (If yes, please attach explanation or copy of audit finding)

   Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☐    Yes ☐  (If yes, please attach explanation or copy of CPM finding)

   **District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

   Signature of Superintendent or Designee: **Andres Zamora, Superintendent**  Date: **12-8-11**

   FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

   Staff Name (type or print): Staff Signature: Date:

   Unit Manager (type or print): Unit Manager Signature: Date:

   Division Director (type or print): Division Director Signature: Date:

   Deputy (type or print): Deputy Signature: Date:
Attachment A

6. Education Code or California Code of Regulations section to be waived

The Livingston Union Elementary School District desires to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) the rearrangement of the boundaries of trustee areas for a particular district, then the rearrangement of the trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of
the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.

§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

“For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—Yes” and “For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—No.”

“For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—Yes” and “For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—No.”

“For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—Yes” and “For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—No.”
"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."

"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."

"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 and 5020 is approved by a majority of the voters voting at the election, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by a majority of the voters voting on the measure, or by the county committee on school district organization when no election is required, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved by a majority of the voters voting at the election, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the
registered voters of a district, pursuant to Sections 5019 and 5020, respectively, may at any
time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire
district.

(b) That one or more members residing in each trustee area be elected by the registered
voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school
district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or
her term of office and that succeeding board members shall be nominated and elected in
accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the
alternative methods of electing governing board members.

In counties with a population of less than 25,000, the county committee on school district
organization or the county board of education, if it has succeeded to the duties of the county
committee, may at any time, by resolution, with respect to trustee areas established for any
school district, other than a community college district, amend the provision required by this
section without additional approval by the electors, to require one of the alternate methods for
electing board members to be utilized.
6. **Desired Outcome/ Rationale**

The Livingston Union Elementary School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

It is imperative that the District adopt these areas and establish this process without delay and without interference because like many of the school districts that have been threatened with lawsuits under the California Voting Rights Act of 2001 (“CVRA”), the District currently utilizes an at-large election process to elect its governing board members. The District’s failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to such litigation in which the District would be exposed to potentially having to pay significant attorneys’ fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

**CVRA History**

The California Legislature enacted the California Voting Rights Act of 2001. (See California Elections Code §§ 14025-14032). This legislation makes all at-large election systems in California for cities, school districts and special districts vulnerable to legal attack, largely on proof of racially polarized voting, regardless of whether a majority district can be formed and, under the interpretation adopted by plaintiffs in other pending CVRA cases, without regard to the electoral success of minority candidates or the need to prove actual racial injury exists.

The CVRA purports to alter several requirements that plaintiffs would have to prove under the Federal Voting Rights Act, thereby making it easier to challenge at-large election systems.

The first suit under the CVRA was filed against the City of Modesto in 2004. Modesto challenged the facial constitutionality of the CVRA on the basis that, by using race as the sole criterion of liability, the CVRA contains a suspect racial classification that California was required to justify under equal protection strict scrutiny standards. The trial court struck down the statute but the California Court of Appeal reversed. (*Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660).

The City of Modesto ultimately settled the litigation, but not before paying plaintiffs $3 million dollars in attorneys’ fees to plaintiffs’ attorneys (the prevailing party [other than a public agency] is entitled to an award of their attorneys’ fees and costs under the CVRA) and another $1.7 million to its own attorneys.

Similarly, the Hanford Joint Union High School District was sued under the CVRA and after adopting trustee areas and establishing by-trustee area elections (and requesting and receiving the same waiver from the State Board of Education that is being requested here), paid plaintiffs in that lawsuit the sum of $110,000 pursuant to a settlement agreement. Most recently, the Madera Unified School District has been sued under the CVRA and their November 2008 governing board member election was enjoined by the court. The Plaintiffs in that case demanded $1.8 million in attorneys’ fees from that District.
Normally, under Education Code section 5020, the County Committee on School District organization, after conducting its own public hearing on the recommended plans, would call for an election and put the matter to a vote of the District’s electors. However, going through that process would prevent the District from electing successor trustees in a timely manner and leaves the District vulnerable to a lawsuit and injunction.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election in November of 2012 which will reduce the District’s liability under the CVRA going forward.
**GENERAL WAIVER REQUEST**

**Local educational agency:** Perris Union High School District  
**Contact person’s e-mail address:** jonathangreenberg@puhsd.org  
**Phone (and extension, if necessary):** 951.943.6369 x 126  
**Fax Number:** 951.940.5378  

### LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Portions of 5019, 5021, 5030 and all of 5020  
   **Circle One:** EC or CCR  
   **Topic of the waiver:** Requirement that establishment of trustee areas/adoption of by-trustee election process be put to a vote by the electors of the District.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______  
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No   X Yes   If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):** November 18, 2011(Perris Union High School District Teacher Association and Classified School Employee Association)  
   **Name of bargaining unit and representative(s) consulted:** PUHSDTA, Paul Clay; CSEA, Adam Weinberger  
   **The position(s) of the bargaining unit(s):** X (CSEA) Neutral   __ Support   X* (PUHSDTA) Oppose *(Please specify why)*  
   *PUHSDTA’s opinion is that the decision should be made by the voters.*

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   **How was the required public hearing advertised?**  
   X Notice in a newspaper   X Notice posted at each school   X Other: (Please specify) – Posted at Perris City Hall, Menifee City Hall, and Perris Union High School District Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   **All school site councils and District English Learner Advisory Council**  
   **Date the committee/council reviewed the waiver request:** DELAC on 11-18-11; Pinacate Middle School SSC on 11-18-11; Paloma Valley High School SSC on 11-18-11; Perris Lake High School SSC on 11-18-11; The Academy SSC on 11-18-11; Perris High School SSC on 11-18-11; Heritage High School SSC on 11-28-11; California Military Institute on 11-18-11; and, Choice 2000 on 11-18-11  
   **Were there any objection(s)?** No ___   Yes X *(If there were objections please specify)*

   Perris Lake High School SSC majority did not favor the voters not having the opportunity to vote.
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out** key).

See Attachment A

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

See Attachment B

8. Demographic Information:
Perris Union High School District has a student population of 10,648 and is located in a rural/suburban area in Riverside County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  
No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee: ___________________________  
Dr. Jonathan L. Greenberg, Superintendent  
Date: December 7, 2011

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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<tr>
<th>Staff Name (type or print):</th>
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<tr>
<td>Unit Manager (type or print):</td>
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<td>Division Director (type or print):</td>
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<td>Deputy (type or print):</td>
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6. Education Code or California Code of Regulations section to be waived

The Perris Union High School District desires to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the
conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) the rearrangement of the boundaries of trustee areas for a particular district, then the rearrangement of the trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.

§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the
boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

“For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—Yes” and “For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—No.”

“For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—Yes” and “For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—No.”

“For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—Yes” and “For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—No.”

“For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—Yes” and “For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—No.”

“For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area—Yes” and “For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area—No.”

“For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District—Yes” and “For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District—No.”

“For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—Yes” and “For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—No.”
If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 and 5020 is approved by a majority of the voters voting at the election, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by a majority of the voters voting on the measure, or by the county committee on school district organization when no election is required, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved by a majority of the voters voting at the election, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Sections 5019 and 5020, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.
Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

In counties with a population of less than 25,000, the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.
6. **Desired Outcome/ Rationale**

The Perris Union High School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

It is imperative that the District adopt these areas and establish this process without delay and without interference because like many of the school districts that have been threatened with lawsuits under the California Voting Rights Act of 2001 (“CVRA”), the District currently utilizes an at-large election process to elect its governing board members. The District’s failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to such litigation in which the District would be exposed to potentially having to pay significant attorneys’ fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

**CVRA History**

The California Legislature enacted the California Voting Rights Act of 2001. (See California Elections Code §§ 14025-14032). This legislation makes all at-large election systems in California for cities, school districts and special districts vulnerable to legal attack, largely on proof of racially polarized voting, regardless of whether a majority district can be formed and, under the interpretation adopted by plaintiffs in other pending CVRA cases, without regard to the electoral success of minority candidates or the need to prove actual racial injury exists.

The CVRA purports to alter several requirements that plaintiffs would have to prove under the Federal Voting Rights Act, thereby making it easier to challenge at-large election systems.

The first suit under the CVRA was filed against the City of Modesto in 2004. Modesto challenged the facial constitutionality of the CVRA on the basis that, by using race as the sole criterion of liability, the CVRA contains a suspect racial classification that California was required to justify under equal protection strict scrutiny standards. The trial court struck down the statute but the California Court of Appeal reversed. (*Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660).

The City of Modesto ultimately settled the litigation, but not before paying plaintiffs $3 million dollars in attorneys’ fees to plaintiffs’ attorneys (the prevailing party [other than a public agency] is entitled to an award of their attorneys’ fees and costs under the CVRA) and another $1.7 million to its own attorneys.

Similarly, the Hanford Joint Union High School District was sued under the CVRA and after adopting trustee areas and establishing by-trustee area elections (and requesting and receiving the same waiver from the State Board of Education that is being requested here), paid plaintiffs in that lawsuit the sum of $110,000 pursuant to a settlement agreement. Most recently, the Madera
Unified School District has been sued under the CVRA and their November 2008 governing board member election was enjoined by the court. The Plaintiffs in that case demanded $1.8 million in attorneys fees from that District.

Normally, under Education Code section 5020, the County Committee on School District organization, after conducting its own public hearing on the recommended plans, would call for an election and put the matter to a vote of the District’s electors. However, going through that process would prevent the District from electing successor trustees in a timely manner and leaves the District vulnerable to a lawsuit and injunction.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election in November of 2012 which will reduce the District’s liability under the CVRA going forward.
General Waiver

Subject
Request by Bend Elementary School District to waive California Education Code Section 35786 and portions of Education Code sections 35534, 35780, and 35782, regarding district lapsation and date of effectiveness of lapsation.

Waiver Number: 60-10-2011

RECOMMENDATION

Approval
Approval with conditions
Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved a number of similar waiver requests in the past—most recently for the Los Alamos School District, in Santa Barbara County, at its March 2011 and July 2011 meetings; and for the West Fresno Elementary School District (ESD) at the May 2011 meeting.

SUMMARY OF KEY ISSUES

California Education Code (EC) Section 35780 requires each county committee on school district organization (county committee) to “lapse” an elementary school district if that district’s average daily attendance (ADA) falls below six. Lapsation involves the county committee dissolving the district and annexing the territory of the lapsed district to one or more adjacent districts. EC Section 35780 further requires the county committee to wait until the close of the school year to initiate the lapsation process.

Approval of the waiver request will allow the Tehama County Committee to lapse the Bend ESD even though the district’s ADA does not meet the conditions for mandatory lapsation as stated in EC Section 35780. Approval also will allow the Tehama County Committee to begin the lapsation process before the end of the 2011-12 school year.

The Bend ESD’s enrollment for 2010-11 was 31 according to data from the California Basic Educational Data System (CBEDS). As can be seen in the following table, the Bend ESD has been experiencing significant declining enrollment over the past years.
SUMMARY OF KEY ISSUES (Cont.)

<table>
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<th>CBEDS Enrollment for Bend ESD</th>
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<tr>
<td>Year</td>
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<td>2010-11</td>
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The district governing board believes that the lapsation will provide financial and educational benefits for the Bend ESD and its students, including:

- Expansion of programs, services, and academic interventions available to current Bend ESD students.
- Greater ability to absorb extreme fluctuations in enrollment.
- Centralization of district office functions.
- Greater financial stability.

If the waiver request is approved, the Bend ESD will be annexed to the neighboring Evergreen Union ESD, a district with a 2010-11 enrollment of 987 and an excellent academic reputation (2011 Growth API is 858 and the elementary and middle schools in the district both have an API state-rank of 9). The governing board of the Evergreen Union ESD supports the annexation.

By removing the requirement that the county committee wait until the close of the school year to initiate the lapsation, the approved waiver request will allow the lapsation process to proceed in a timeframe that provides the affected districts the ability to plan appropriately for the annexation of the Bend ESD to the Evergreen Union ESD.

The California Department of Education (CDE) recommends that the SBE approve the Bend ESD request to waive portions of EC sections 35780 and 35782 to facilitate the lapsation of that district. The CDE supports the waiver because:

- It is the opinion of CDE staff that none of the grounds specified in EC Section 33051(a) that authorize denial of a waiver exist;
- No significant local opposition to the waiver request is reported;
- The CDE agrees that lapsation will be beneficial for the Bend ESD; and
- The SBE has approved several similar waiver requests in the past.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of
SUMMARY OF KEY ISSUES (Cont.)

the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Demographic Information: The Bend ESD has a student population of 46 and is located in a rural area in Tehama County.

Authority for Waiver: EC Section 33050

Period of request: March 1, 2012 to February 27, 2014

Local board approval date(s): October 18, 2011

Public hearing held on date(s): October 18, 2011

Bargaining unit(s) consulted on date(s): October 4, 2011

Name of bargaining unit/representative(s) consulted: Bend Teachers’ Association, Janice Cerro, President; Albert Estrada, Vice-president/Secretary; Delight Carter, Treasurer. Note: These three teachers are the entire certificated staff for the district.

Position of bargaining unit(s) (choose only one):
☒ Neutral ☐ Support ☐ Oppose:

Comments (if appropriate):

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☑ posting at each school ☒ other*

* Bend Store, Evergreen Union School District, Tehama County Department of Education (TCDE), TCDE Web Site, and Bend ESD Web Site.

Advisory committee(s) consulted: School Site Council

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: October 13, 2011
FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver requests will not have negative fiscal effects on any local or state agency.

ATTACHMENT(S)

Attachment 1: General Waiver Request (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
### CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**  
GW-1 (Rev. 10-2-09)  
http://www.cde.ca.gov/re/lr/wr/

#### First Time Waiver: X  
Renewal Waiver: ___

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

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**CD CODE**

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**Local educational agency:**  
Bend Elementary School District

**Contact name and Title:**  
Roxy Williams,  
District Superintendent

**Contact person’s e-mail address:**  
rwilliams@tehamaschools.org

**Address:**  
22270 Bend Ferry Road  
Red Bluff  
CA  
96080

**Phone (and extension, if necessary):**  
(530) 527-4648

**Fax Number:**  
(530) 527-4670

**Period of request:**  (month/day/year)  
From: March 1, 2012  
To: February 27, 2014

**Local board approval date:** (Required)  
10/18/11

**Date of public hearing:** (Required)  
10/18/11

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### LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  
   35780, 35782, 35786, 35534  
   Circle One: EC or CCR

   **Topic of the waiver:**  
   District Lapsation and Date of Effectiveness of Lapsation

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______  
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  
   X Yes  
   If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):**  
   October 4, 2011

   **Name of bargaining unit and representative(s) consulted:**  
   Bend Teacher’s Association: Janice Cerro, President;  
   Delight Carter, Treasurer;  
   and Albert Estrada, VP/Secretary

   **The position(s) of the bargaining unit(s):**  
   X Neutral  
   __ Support  
   __ Oppose (Please specify why)

   **Comments (if appropriate):**

4. Public hearing requirement:  
   A public hearing is not simply a board meeting, but a properly noticed public hearing held  
   during a board meeting at which time the public may testify on the waiver proposal.  
   Distribution of local board agenda does not constitute notice of a public hearing.  
   Acceptable ways to advertise include: (1) print a notice that includes the time,  
   date, location, and subject of the hearing in a newspaper of general circulation;  
   or (2) in small school districts, post a formal notice at each school and three public places in the district.

   **How was the required public hearing advertised?**

   **Notice in a newspaper**  
   X Notice posted at each school  
   X Other: Bend Store, Evergreen Union School District, Tehama County Department of Education (TCDE), TCDE Web Site  
   and Bend Elementary Web Site.

5. **Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:**  
   School Site Council

   **Date the committee/council reviewed the waiver request:** October 13, 2011

   **Were there any objection(s)?**  
   No  
   X Yes  
   (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

See attachment #1

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

This waiver will allow Bend Elementary School District to expand student programs, provide increased access to academic interventions, student programs and services, increase the ability to absorb extreme fluctuations in enrollment, centralize district office functions and create financial stability to the school. This action will reduce overall operating costs.

8. Demographic Information:
Bend School has a student population of 46 and is located in a rural in Tehama County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: Roxy Williams
Title: Superintendent  Date: 10/18/11

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Staff Name (type or print):  Staff Signature:  Date:

Unit Manager (type or print):  Unit Manager Signature:  Date:

Division Director (type or print):  Division Director Signature:  Date:

Deputy (type or print):  Deputy Signature:  Date:
35780. (a) Any school district which has been organized for more than three years shall be lapsed as provided in this article if the number of registered electors in the district is less than six or if the average daily attendance of pupils in the school or schools maintained by the district is less than six in grades 1 through 8 or is less than 11 in grades 9 through 12, except that for any unified district which has established and continues to operate at least one senior high school, the board of supervisors shall defer the lapsation of the district for one year upon a written request of the governing board of the district and written concurrence of the county committee. The board of supervisors shall make no more than three such deferments.

35782. Within 30 days after the close of each school year, the county committee shall conduct a public hearing on the issues specified in Section 35780. Notice of the public hearing shall be given at least 10 days in advance thereof to each member of the governing board of the lapsed district immediately prior to its lapsation, to each of the governing boards which adjoin the lapsed district, and to the high school district of which the lapsed elementary district is a component.

35786. An order of a county committee attaching the territory of a lapsed school district to one or more adjoining school districts shall be effective for all purposes on the date of the order.

35534. Except as provided in Sections 35536 and 35786 and subject to compliance with Section 54900 of the Government Code, any action to reorganize a school district shall be effective for all purposes on July 1 of the calendar year following the calendar year in which the action is completed.
General Waiver

SUBJECT
Request by Sonoma County Office of Education to waive California Education Code Section 1004 that requires an election to reduce the number of governing board members from seven to five.

Waiver Number: 1-12-2011

RECOMMENDATION

Approval
Approval with conditions
Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California State Board of Education (SBE) has approved similar requests to waive the election to reduce the size of a county board of education—most recently for the Mendocino County Office of Education (COE) at the May 12, 2011, SBE meeting.

SUMMARY OF KEY ISSUES

Approval of this waiver request would allow the Sonoma COE to have a five-member board of education (rather than the current seven-member board) without having the change approved at an election. Sonoma County voters will continue to elect all members to the Sonoma County Board of Education (County Board).

Currently, the seven members of the governing board reside in trustee areas (each elected by only the voters of his or her trustee area). The Sonoma County Grand Jury has recommended elimination of two of the seven seats as a cost saving measure—the move would save the Sonoma COE approximately $40,000 annually in stipends and benefits for board members. Moreover, the reduction to five members (and five trustee areas) could save the Sonoma COE the costs of redrawing the boundaries of the trustee areas after each decennial census (as required by California Education Code [EC] Section 1002) since the boundaries of the five trustee areas likely would correspond to the boundaries of the five county supervisorial districts. If the waiver request is approved, the Sonoma County Committee on School District Organization (County Committee) will take action to establish the actual boundaries of the five trustee areas.

Although not required to respond to the Grand Jury recommendation, the County Committee held a public hearing on the issue and voted 10-0 to reduce the size of the board of education to five members. EC Section 1004 requires such action by the
SUMMARY OF KEY ISSUES (Cont.)

County Committee to be approved at a local election. The waiver request, if approved by the SBE, would eliminate this election requirement and allow the reduction in the size of the County Board to be effective for the next election of members.

The Sonoma County Superintendent of Schools and the County Committee support this waiver as a financial savings—a county-wide election would cost the Sonoma COE approximately $75,000.

The waiver request has been reviewed by California Department of Education (CDE) staff and determinations have been made that: (1) the waiver was initiated by resolution of the County Board; (2) there was no significant public opposition to the County Committee action to reduce the size of the board; and (3) there was no significant public opposition to the waiver request at the public hearings held by the County Board.

It is the opinion of CDE staff that none of the grounds specified in EC Section 33051 that authorize denial of a waiver exist. Moreover, approval of the waiver will not eliminate any existing legal rights of currently seated board members.

The Department recommends that the SBE approve, for the Sonoma COE, the request to waive EC Section 1004.

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). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Demographic Information: The Sonoma COE has a student population of 595 and is located in the city of Santa Rosa, in Sonoma County. Sonoma County has a total student population of approximately 71,000 students in 40 school districts.

Authority for Waiver: EC Section 33050

Period of request: November 7, 2011, to November 9, 2014
Period recommended: November 7, 2011, to November 5, 2013
Local board approval date(s): February 2, 2012

Public hearing held on date(s): February 2, 2012

Bargaining unit(s) consulted on date(s): Association of Sonoma County Office of Education (ASCOE); Regional Occupation Program Teachers Association (ROPTA); Service Employees International Union (SEIU)—all bargaining units consulted during the period of November 25, 2011, to November 29, 2011.

Name of bargaining unit/representative(s) consulted: Celia Lamantia, ASCOE Co-President; Lonnie Harwell, ROPTA Union Representative; Maria Peluso and Angela Aubry, SEIU Labor Representatives.

Position of bargaining unit(s) (choose only one):

☐ Neutral  ☒ Support  ☐ Oppose:

Comments (if appropriate):

Public hearing advertised by (choose one or more):

☒ posting in a newspaper  ☐ posting at each school  ☒ other*

* Posted in a public location at the Sonoma COE.

Advisory committee(s) consulted: Sonoma County District Superintendents Leadership 40, Sonoma County Committee on School District Organization

Objections raised (choose one):  ☒ None  ☐ Objections are as follows:

Date(s) consulted: Superintendents Leadership 40: November 22, 2011; County Committee: November 7, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will not have negative fiscal effects on any local or state agency. Failure to approve the waiver request will result in additional costs of approximately $75,000 to the Sonoma COE for a county-wide election.

ATTACHMENT(S)

Attachment 1: General Waiver Request (3 pages) (Original waiver request is signed and one file the Waiver Office.)
### CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)  [http://www.cde.ca.gov/re/lr/wr/](http://www.cde.ca.gov/re/lr/wr/)

**First Time Waiver: X**

**Renewal Waiver:** ___

---

**Send Original plus one copy to:**

Waiver Office, California Department of Education

1430 N Street, Suite 5602

Sacramento, CA 95814

**Send Electronic copy in Word and**

back-up material to: waiver@cde.ca.gov

---

### Local educational agency:

**Sonoma County Office of Education**

<table>
<thead>
<tr>
<th>Contact name and Title:</th>
<th>Steve Herrington, Superintendent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact person’s e-mail address:</td>
<td><a href="mailto:sherrington@scoe.org">sherrington@scoe.org</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address:</th>
<th>5340 Skylane Blvd., Santa Rosa, CA 95403</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone (and extension, if necessary):</td>
<td>707-524-2600</td>
</tr>
<tr>
<td>Fax Number:</td>
<td>707-578-0220</td>
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<table>
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<tr>
<th>Period of request: (month/day/year)</th>
<th>From: Nov. 7, 2011 To: Nov. 9, 2014</th>
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<tbody>
<tr>
<td>Local board approval date: (Required)</td>
<td>November 7, 2011</td>
</tr>
<tr>
<td>Date of public hearing: (Required)</td>
<td>November 7, 2011</td>
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</tbody>
</table>

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### LEGAL CRITERIA

1. **Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):** 1004 Circle One: (EC) or (CCR)

**Topic of the waiver:** This waiver request is to waive the election requirement to effectuate the County Committee on School District Organization’s action recommending the reduction of the County Board of Education’s size from seven members to five members, as provided in Education Code § 1003. The seats would be eliminated at the end of the incumbents’ terms.

2. **If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______**

Renewals of waivers must be submitted two months before the active waiver expires. NA

3. **Collective bargaining unit information. Does the district have any employee bargaining units? No X Yes**

If yes, please complete required information below:

- **Bargaining unit(s) consulted on date(s):** 11/25/11 - 11/29/11
- **Name of bargaining unit and representative(s) consulted:**
  - Celia Lamantia, Association Sonoma County Office Education Representative
  - Lonnie Harwell, Regional Occupation Program Teacher Association Representative
  - Maria Peluso and Angela Aubry, Service Employee International Union Representatives

- **The position(s) of the bargaining unit(s):** Neutral _x_ Support ___ Oppose (Please specify why)

4. **Public hearing requirement:** A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

- **How was the required public hearing advertised?**
  - _x_ ___ Notice in a newspaper ___ Notice posted at each school _x_ ___ Other: (Please specify) Notice of Public Hearing was posted in a public location at the Sonoma County Office of Education.
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
Sonoma County District Superintendents Leadership 40.

Date of waiver request notification:
District Superintendents received notification packet and notice of Public Hearing on 11/22/11

Were there any objection(s)? No ___ Yes ___ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).
___The resolution of the county committee approving a reduction or increase in the number of members of the county board of education shall constitute an order of election, and the proposal shall be presented to the electors of the county not later than the next succeeding election for members of the county board of education. The ballot shall contain the following words, as appropriate:
"For decreasing (increasing) the number of members of the county board of education from seven (five) to five (seven) -- Yes"
"For decreasing (increasing) the number of members of the county board of education from seven (five) to five (seven) -- No"

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The Sonoma County Board of Education currently has seven members. It costs approximately $140,000 per year in stipends and benefits to fund its operation. The Sonoma County Grand Jury has recommended elimination of two of the seats, as provided for in Education Code § 1003, saving approximately $40,000 annually in stipends and benefits, and allowing redistricting to be done by making the Board of Education’s territorial districts roughly congruent with the districts that are already created by the County of Sonoma for the Board of Supervisors, thereby simplifying and saving funds on the decennially redistricting process.

Following a public hearing, on November 7, 2011, the County Committee on School District Organization voted by a 10-0 margin, with one member absent, to reduce the size of the board, thereby exceeding the required two-thirds majority to reduce the size of the Board from seven to five seats. The County Board Committee also voted unanimously to apply for a waiver of Education Code § 1004. The waiver is necessary to eliminate the election requirement and thereby avoid the associated election costs of approximately $75,000.

8. Demographic Information: (District/school/program) Sonoma County Office of Education has a student population of 595 and is located in a Santa Rosa, in Sonoma County. Sonoma County has a total student population of approximately 71,000 students and 40 school districts.

<table>
<thead>
<tr>
<th>BOARD MEMBER</th>
<th>AREA</th>
<th>EXPIRATION OF TERM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alex Bantis</td>
<td>Sonoma Valley, Kenwood, and East Santa Rosa</td>
<td>2012</td>
</tr>
<tr>
<td>Karen Bosworth</td>
<td>North County</td>
<td>2012</td>
</tr>
<tr>
<td>Pat Hummel</td>
<td>West County</td>
<td>2012</td>
</tr>
<tr>
<td>Jill Kaufman</td>
<td>Central and Southwest Santa Rosa</td>
<td>2014</td>
</tr>
<tr>
<td>Helga Lemke</td>
<td>North Santa Rosa</td>
<td>2014</td>
</tr>
<tr>
<td>Ray Peterson</td>
<td>Petaluma Area</td>
<td>2014</td>
</tr>
<tr>
<td>Kathleen Willbanks</td>
<td>Cotati-Rohnert Park and parts of Bellevue and Wright Districts</td>
<td>2014</td>
</tr>
<tr>
<td>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</td>
<td>No X Yes □</td>
<td></td>
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<td>---------------------------------------------------------------</td>
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<tr>
<td>(If yes, please attach explanation or copy of audit finding)</td>
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</table>

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<tr>
<th>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</th>
<th>No X Yes □</th>
</tr>
</thead>
<tbody>
<tr>
<td>(If yes, please attach explanation or copy of CPM finding)</td>
<td></td>
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**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
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<tbody>
<tr>
<td></td>
<td>Sonoma County Superintendent of Schools</td>
<td>12/8/11</td>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

<table>
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<tr>
<th>Staff Name (type or print):</th>
<th>Staff Signature:</th>
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<tr>
<th>Unit Manager (type or print):</th>
<th>Unit Manager Signature:</th>
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<tr>
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<table>
<thead>
<tr>
<th>Deputy (type or print):</th>
<th>Deputy Signature:</th>
<th>Date:</th>
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CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2012 AGENDA

Specific Waiver

SUBJECT
Request by eleven 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 Number:  Big Lagoon Union Elementary 11-12-2011
                Caliente Union Elementary 35-11-2011
                Caruthers Unified 36-11-2011
                Fontana Unified 2-11-2011
                Fontana Unified 3-11-2011
                French Gulch-Whiskeytown Elementary 59-12-2011
                Happy Camp Union Elementary 57-12-2011
                Los Angeles County Office of Education 6-11-2011
                Maple Creek Elementary 74-12-2011
                Mountain Valley Unified 35-12-2011
                Mountain Valley Unified 36-12-2011
                Peninsula Union 75-12-2011
                San Diego County Office of Education 52-12-2011
                San Diego County Office of Education 53-12-2011
                San Diego County Office of Education 54-12-2011

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education recommends approval with the following conditions: See Attachment 1.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Specific authority is provided in California Education Code (EC) Section 52863 to allow the State Board of Education (SBE) to waive the Schoolsite Council (SSC) requirements of the School-Based Coordination Program (SBCP) Act that would hinder the success of school-based programs. These waivers must be renewed every two years.
SUMMARY OF KEY ISSUES

Big Lagoon Union Elementary School District is requesting a SSC composition change for Big Lagoon Elementary School (4 teachers serving 54 students in kindergarten and grades one through eight). The school is located in a rural area.

Caliente Union Elementary School District is requesting a shared SSC for Caliente Elementary School (1 teacher serving 5 students in kindergarten and grades one through six) and Piute Mountain Elementary School (5 teachers serving 65 students in kindergarten and grades one to six). Both schools are located in a rural area.

Caruthers Unified School District is requesting a shared SSC for Caruthers High School (26 teachers serving 533 students in grades nine through twelve) and MARC High School (4 teachers serving 9 students in grades nine through twelve). Both schools are located in a rural area.

Fontana Unified School District is requesting a SSC composition change for Birch High (Continuation) School (17 teachers serving 400 students in grades nine through twelve). The school is located in an urban area.

Fontana Unified School District is requesting a SSC composition change for Citrus High (Continuation) School (19 teachers serving 400 students in grades nine through twelve). The school is located in an urban area.

French Gulch-Whiskeytown Elementary School District is requesting a SSC composition change for French Gulch-Whiskeytown Elementary School (3 teachers serving 20 students in kindergarten and grades one through six). The school is located in a rural area.

Happy Camp Union Elementary School District is requesting a SSC composition change for Happy Camp Elementary School (8 teachers serving 100 students in kindergarten and grades one through eight). The school is located in a rural area.

Los Angeles County Office of Education is requesting a shared SSC for Afflerbaugh-Paige Camp (12 teachers serving 192 students in grades seven through twelve), Glenn Rockey Camp (7 teachers serving 67 students in grades seven through twelve), Dorothy Kirby Camp (7 teacher serving 70 students in grades nine through twelve), Barry J. Nidorf Juvenile Hall (27 teachers serving 265 students in grades nine through twelve), Phoenix Academy Residential Education Center (11 teachers serving 98 students in grades nine through twelve), Central Juvenile Hall (32 teachers serving 379 students in grades nine through twelve), Jarvis Camp (15 teachers serving 95 students in grades seven through eight), McNair Camp (8 teachers serving 90 students in grades seven through eight), Onizuka Camp (10 teachers serving 70 students in grades seven through eight), Los Padrinos Juvenile Hall (27 teachers serving 339 students in grades nine through twelve), John Munz Camp (7 teachers servings 78 students in grades nine through twelve), William Mendenhall Camp (6 teachers serving 88 students in grades nine through twelve), Westside Youth Home (1 teachers serving 19 students in grades nine through twelve), Joseph Scott Camp (5 teachers serving 36 students in grades
**SUMMARY OF KEY ISSUES (Cont.)**

nine through twelve), Kenyon Scudder Camp (4 teachers serving 53 students in grades nine through twelve), Pacific Lodge Residential Education Center (2 teachers serving 20 students in grades nine through twelve), Fred C. Miller Camp (11 teachers serving 145 students in grades seven through eight), David Gonzales Camp (7 teachers serving 96 students in grades seven through eight), and Vernon Kilpatrick Camp (8 teachers serving 101 students in grades nine through twelve).

Maple Creek Elementary School District is requesting a SSC composition change for Maple Creek Elementary School (2 teachers serving 14 students in kindergarten and grades one through six).

Mountain Valley Unified School District is requesting a SSC composition change for Hyampom Arts Magnet Elementary School (1 teacher serving 12 students in kindergarten and grades one through five). This school is located in a rural area.

Mountain Valley Unified School District is requesting a SSC composition change for Hayfork High School (9 teachers serving 99 students in grades nine through twelve). The school is located in a rural area.

Peninsula Union School District is requesting a SSC composition change for Peninsula Union Elementary School (3 teachers serving 40 students in kindergarten and grades one through eight). The school is located in a rural area.

San Diego County Office of Education is requesting a shared SSC for East Region Court (4 teachers serving 54 students in kindergarten and grades one through twelve), East Region Community School of Greater El Cajon (8 teachers serving 1,411 students in grades seven through twelve), and East Region Community School of Greater La Mesa (6 teachers serving 146 students in grades seven through twelve). All three schools are located in an urban area.

San Diego County Office of Education is requesting a shared SSC for Metro Region Court (8 teachers serving 26 students in kindergarten and grades one through twelve) and Metro Region Community School (9 teachers serving 597 students in kindergarten and grades one through twelve). Both schools are located in an urban area.

San Diego County Office of Education is requesting a shared SSC for North Region Court (4 teachers serving 58 students in kindergarten and grades one through twelve), North Region Community School of Greater Escondido (7 teachers serving 120 students in kindergarten and grades one through twelve), North Region Community School of Greater Oceanside (6 teachers serving 146 students in kindergarten and grades one through twelve), and North Region Community School of Greater San Marcos (7 teachers serving 146 students in kindergarten and grades one through twelve). All four schools are located in an urban area.
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 (9 pages)

Attachment 2: Specific Waiver Request Big Lagoon Union Elementary School District 11-12-2011 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Specific Waiver Request Caliente Union Elementary School District 35-11-2011 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Specific Waiver Request Caruthers Unified School District 36-11-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Specific Waiver Request Fontana Unified School District 2-11-2011 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Specific Waiver Request Fontana Unified School District 3-11-2011 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Specific Waiver Request French Gulch-Whiskeytown Elementary School District 59-12-2011 (3 pages) (Original waiver request is signed and on file in the SBE Office or the CDE Waiver Office.)

Attachment 8: Specific Waiver Request Happy Camp Union Elementary School District 57-12-2011 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Specific Waiver Request Los Angeles County Office of Education 6-11-2011 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: Specific Waiver Request Maple Creek Elementary School District 74-12-2011 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Specific Waiver Request Mountain Valley Unified School District 35-12-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
ATTACHMENT(S)

Attachment 12: Specific Waiver Request Mountain Valley Unified School District 36-12-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: Specific Waiver Request Peninsula Union School District 75-12-2011 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 14: Specific Waiver Request San Diego County Office of Education 52-12-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 15: Specific Waiver Request San Diego County Office of Education 53-12-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 16: Specific Waiver Request San Diego County Office of Education 54-12-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>LEA for School(s) (CDS Code[s])</th>
<th>LEAs Request</th>
<th>CDE Recommendation</th>
<th>Previous Waiver Yes or No Period of Request/ Recommendation</th>
<th>Certificated Bargaining Unit Position/ Current Agreement</th>
<th>SSC/Advisory Committee</th>
<th>Local Board Approval Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-12-2011</td>
<td>Big Lagoon Union Elementary School District for Big Lagoon Elementary School (12 62695 6007686)</td>
<td>Composition change</td>
<td>Approval with conditions that the composition of the SSC consist of: one principal, two other school employees (selected by their peers), and three parents (selected by their peers.)</td>
<td>Yes January 17, 2012 to January 17, 2014</td>
<td>District does not have an employee bargaining unit.</td>
<td>Big Lagoon SSC on December 14, 2011.</td>
<td>December 8, 2011</td>
</tr>
<tr>
<td>35-11-2011</td>
<td>Caliente Union Elementary School District for Caliente Elementary School (15 63388 6009286) and Piute Mountain Elementary School (15 63388 6104772)</td>
<td>Shared SSC</td>
<td>Approval with conditions that the shared SSC composition consist of the following: one principal (administers both sites), three teachers (selected by their peers), one other school representative, and five parents or community members (selected by their peers.)</td>
<td>No August 1, 2011 to July 1, 2013</td>
<td>District does not have an employee bargaining unit.</td>
<td>Caliente Union School Site Council on November 8, 2011</td>
<td>November 8, 2011</td>
</tr>
<tr>
<td>36-11-2011</td>
<td>Caruthers Unified School District for Caruthers High School (10 75598 1030535) and MARC High</td>
<td>Shared SSC</td>
<td>Approval with conditions that the shared SSC consist of the following: one principal, (administers both sites), four teachers (selected by their peers), one other</td>
<td>No November 22, 2011 to November 22, 2013</td>
<td>Support per Mary Betteschid and Carla Correia, Caruthers Unified Teachers Association, and Margie Conger, California School</td>
<td>CHS School Site Council on November 3, 2011</td>
<td>November 21, 2011</td>
</tr>
<tr>
<td>Waiver Number</td>
<td>LEA for School(s) (CDS Code[s])</td>
<td>LEAs Request</td>
<td>CDE Recommendation</td>
<td>Previous Waiver Yes or No</td>
<td>Period of Request/Recommendation</td>
<td>Certificated Bargaining Unit Position/ Current Agreement</td>
<td>SSC/Advisory Committee</td>
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<tr>
<td>2-11-2011</td>
<td>Fontana Unified School District for Birch High (Continuation) School (36 67710 3630019)</td>
<td>Composition change</td>
<td>Approval with conditions that the composition of the SSC consist of the following: one principal, two teachers (selected by their peers), one other school representative, two parents (selected by their peers), and two students (selected by their peers.)</td>
<td>No</td>
<td>October 20, 2011 to October 20, 2013</td>
<td>Support per Pat Mazzulli, Fontana Teachers Association and Richard Bruce, United Steelworkers, on September 7, 2011.</td>
<td>Birch Continuation High School, School Site Council on December 16, 2011</td>
</tr>
<tr>
<td>3-11-2011</td>
<td>Fontana Unified School District for Citrus High (Continuation) School (36 67710 3630480)</td>
<td>Composition change</td>
<td>Approval with conditions that the composition of the SSC consist of the following: one principal, two teachers (selected by their peers), one other school representative, two parents (selected by their peers), and two students (selected by their peers.)</td>
<td>No</td>
<td>October 20, 2011 to October 20, 2013</td>
<td>Support per Pat Mazzulli, Fontana Teachers Association and Richard Bruce, United Steelworkers, on September 7, 2011.</td>
<td>Citrus Continuation High School, School Site Council on December 16, 2011</td>
</tr>
<tr>
<td>Waiver Number</td>
<td>LEA for School(s) (CDS Code[s])</td>
<td>LEAs Request</td>
<td>CDE Recommendation</td>
<td>Previous Waiver Yes or No Period of Request/Recommendation</td>
<td>Certificated Bargaining Unit Position/Current Agreement</td>
<td>SSC/Advisory Committee</td>
<td>Local Board Approval Date</td>
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<tr>
<td>59-12-2011</td>
<td>French Gulch-Whiskeytown Elementary School District for French Gulch-Whiskeytown Elementary School (45 69997 6050322)</td>
<td>Composition change</td>
<td>Approval with conditions that the SSC consists of the following: one principal, one teacher, one other school representative, and three parents (selected by their peers.)</td>
<td>No November 10, 2011 to November 10, 2013</td>
<td>District does not have an employee bargaining unit.</td>
<td>French Gulch-Whiskeytown SSC on November 7, 2011</td>
<td>November 14, 2011</td>
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<tr>
<td>57-12-2011</td>
<td>Happy Camp Union Elementary School District for Happy Camp Elementary School (47 70334 6050785)</td>
<td>Composition change</td>
<td>Approval with the conditions that the SSC consists of the following: one principal, two teachers (selected by their peers), one other school representative, and four parents (selected by their peers).</td>
<td>Yes November 1, 2011 to November 1, 2013</td>
<td>Support per Association of Klamath Teachers.</td>
<td>Happy Camp Elementary School Site Council on October 20, 2011</td>
<td>December 15, 2011</td>
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<tr>
<td>6-11-2011</td>
<td>Los Angeles County Office of Education for Afflerbaugh-Paige Camp (19 10199 0121921), Glenn Rockey Camp (19 10199 0121939), Dorothy Kirby</td>
<td>Shared SSC</td>
<td>Approval with conditions that the shared SSC consist of the following: one principal (administers all sites), four teachers (selected by their peers), one other school representative, three parents (selected by their peers), and three students</td>
<td>No October 18, 2011, to October 18, 2013</td>
<td>Support per Elena Johnson and Brian Christian, Los Angeles City Employees Association.</td>
<td>District/School Leadership Team on September 7, 2011</td>
<td>October 18, 2011</td>
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<td>Waiver Number</td>
<td>LEA for School(s) (CDS Code[s])</td>
<td>LEAs Request</td>
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<td></td>
<td>Camp (19 10199 0121905), Barry J. Nidorf Juvenile Hall (19 10199 0121822), Phoenix Academy Residential Education Center (19 10199 0123604), Central Juvenile Hall (19 10199 0121897), Jarvis Camp (19 10199 0122044), McNair Camp (19 10199 0122036), Onizuka Camp (19 10199 0122028), Los Padrinos Juvenile Hall (19 10199 0121871), John Munz Camp (19</td>
<td>(selected by their peers.)</td>
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<tr>
<td>10199 0122002, William Mendenhall Camp (19 10199 0122010), Westside Youth Home (19 10199 9006586), Joseph Scott Camp (19 10199 0121988), Kenyon Scudder Camp (19 10199 0121996), Pacific Lodge Residential Education Center (19 10199 0123612), Fred C. Miller Camp (19 10199 0121947), David Gonzales Camp (19 10199 0121970),</td>
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<td>Waiver Number</td>
<td>LEA for School(s) (CDS Code[s])</td>
<td>LEAs Request</td>
<td>CDE Recommendation</td>
<td>Previous Waiver Yes or No</td>
<td>Period of Request/Recommendation</td>
<td>Certificated Bargaining Unit Position/Current Agreement</td>
<td>SSC/Advisory Committee</td>
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<tr>
<td>74-12-2011</td>
<td>Maple Creek Elementary School District for Maple Creek Elementary School (12 62935 6008031)</td>
<td>Composition change</td>
<td>Approval with the conditions that the SSC consists of the following: one principal, one teacher (selected by their peers), one other school representative, and three parents (selected by their peers.)</td>
<td>Yes</td>
<td>March 12, 2012 to March 12, 2014</td>
<td>District does not have an employee bargaining unit.</td>
<td>Support per Wendy Orlandi, Carlene Cogliati, John Cromwell, Kacey Karrer, Sarah Orzalli, and Jennifer Wauer</td>
</tr>
<tr>
<td>35-12-2011</td>
<td>Mountain Valley Unified School District for Hyampom Arts Magnet Elementary School (53 75028 6053763)</td>
<td>Composition change</td>
<td>Approval with the conditions that the SSC consists of the following: one principal, one teacher, one other school representative, and three parents (selected by their peers.)</td>
<td>No</td>
<td>November 1, 2012 to November 1, 2014</td>
<td>Support per Morgan Rourke, President (Mountain Valley Teacher’s Association); and Terra Kephart, President (California State Employee’s Association).</td>
<td>Hayfork High School Site Council on December 2, 2011; and, Valley High School Parent Advisory Council on October 12, 2011</td>
</tr>
<tr>
<td>36-12-2011</td>
<td>Mountain Valley Unified School District for Hayfork High School (53 75028)</td>
<td>Composition change</td>
<td>Approval with the conditions that the SSC consists of the following: one principal, three teachers (selected by their peers), one</td>
<td>No</td>
<td>November 1, 2011 to November 1, 2013</td>
<td>Support per Morgan Rourke, President (Mountain Valley Teacher’s Association); and Terra Kephart, President (Mountain Valley Teacher’s Association); and Valley High School Parent Advisory Council on December 2, 2011; and Valley High School Parent Advisory Council</td>
<td>December 6, 2011</td>
</tr>
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<td>Waiver Number</td>
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<td>CDE Recommendation</td>
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<tr>
<td>5337407</td>
<td>75-12-2011 Peninsula Union School District for Peninsula Union Elementary School (12 62984 6008106)</td>
<td>Composition change</td>
<td>Approval with the conditions that the SSC consists of the following: one principal, two teachers (selected by their peers), one other school representative, and four parents (selected by their peers.)</td>
<td>No January 1, 2012 to January 1, 2014</td>
<td>President (California State Employee’s Association).</td>
<td>Council on October 12, 2011</td>
<td>December 13, 2011</td>
</tr>
<tr>
<td>75-12-2011</td>
<td>San Diego County Office of Education for East Region Court (37 10371 016020), East Region Community School of Greater El Cajon (37 10371 0124677), and East Region Community School of</td>
<td>Shared SSC</td>
<td>Approval with the conditions that the shared SSC consists of the following: one principal (administers all sites), four teachers (selected by their peers), one other school representative, three parents (selected by their peers), and three students (selected by their peers.)</td>
<td>No July 1, 2011 to July 1, 2013</td>
<td>Support per Peter McNamara, President (Association of Educators); and Mike Reese, President (California State Employees Association).</td>
<td>JCCS Teacher Advisory (Alex Long, Ben Herrera, Caren Novick, Clifton Davis, Clifton Becknell, Julia Morris, Mark Leon, Mary Glover, Pete McNamara, Rochelle Lightner, and Stacy Bermingham) on September 27, 2011</td>
<td>December 14, 2011</td>
</tr>
<tr>
<td>Waiver Number</td>
<td>LEA for School(s) (CDS Code[s])</td>
<td>LEAs Request</td>
<td>CDE Recommendation</td>
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<tr>
<td>53-12-2011</td>
<td>San Diego County Office of Education for Metro Region Court (37 10371 0116012) and Metro Region Community School (37 10371 0115949)</td>
<td>Shared SSC</td>
<td>Approval with the conditions that the shared SSC consists of the following: one principal (administers both sites), four teachers (selected by their peers), one other school representative, three parents (selected by their peers), and three students (selected by their peers.)</td>
<td>No</td>
<td>July 1, 2011 to July 1, 2013</td>
<td>Support per Peter McNamara, President (Association of Educators); and Mike Reese, President (California State Employees Association).</td>
<td>JCCS Teacher Advisory (Alex Long, Ben Herrera, Caren Novick, Clifton Davis, Jeffra Becknell, Julia Morris, Mark Leon, Mary Glover, Pete McNamara, Rochelle Lightner, and Stacy Bermingham) on September 27, 2011</td>
</tr>
<tr>
<td>54-12-2011</td>
<td>San Diego County Office of Education for North Region Court (37 10371 0116038), North Region Community School of Greater Escondido (37 10371 0124693), North Region</td>
<td>Shared SSC</td>
<td>Approval with the conditions that the shared SSC consists of the following: one principal (administers all sites), four teachers (selected by their peers), one other school representative, three parents (selected by their peers), and three students (selected by their peers.)</td>
<td>No</td>
<td>July 1, 2011 to July 1, 2013</td>
<td>Support per Peter McNamara, President (Association of Educators); and Mike Reese, President (California State Employees Association).</td>
<td>JCCS Teacher Advisory (Alex Long, Ben Herrera, Caren Novick, Clifton Davis, Jeffra Becknell, Julia Morris, Mark Leon, Mary Glover, Pete McNamara, Rochelle Lightner, and Stacy Bermingham) on September 27, 2011</td>
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<td></td>
<td>Community School of Greater Oceanside (37 10371 0124701), and North Region Community School of Greater San Marcos (37 10371 0124719)</td>
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<td>2011</td>
</tr>
</tbody>
</table>
**SPECIFIC WAIVER REQUEST**

**SW-1 (Rev. 10-2-09)**

**http://www.cde.ca.gov/re/lr/wr/**

**First Time Waiver:** __

**Renewal Waiver:** _x_

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

---

### Local educational agency:

Big Lagoon Union Elementary School District

### Contact name and Title:

Kim Blanc

### Contact person's e-mail address:

kblanc@nohum.k12.ca.us

### Address:

269 Big Lagoon Park Road, Trinidad, CA 95570

### Phone (and extension, if necessary):

707 677-3688

### Fax number:

707 677-3642

### Period of request:

From: 1-17-12 To: 1-17-14

Local board approval date: 11-28-11

---

### LEGAL CRITERIA

1. **Authority for the waiver:** _x_ Specific code section: **52863**
   
   Write the **EC** Section citation, which allows you to request, or authorizes the waiver of the specific **EC** Section you want to waive.

   **EC 52863** Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program.

2. **Education Code or California Code of Regulations or portion to be waived.**

   **Section to be waived:** **EC 52852**
   
   **Circle One:** **EC or CCR**

   Brief Description of the topic of the waiver: Requesting **reduced composition** in members for a small school.

   (Statute requires 12 members for a high school site council and 10 members for elementary school site council).

3. **If this is a renewal of a previously approved waiver, please list Waiver No:** 18-12-2009-WC-8, March 16, 2010

   Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. **Collective bargaining unit information. (Not necessary for **EC 56101** waivers)**

   Does the district have any employee bargaining units? _x_ No ___ Yes  
   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):

   Name of bargaining units and representative(s) consulted:

   The position(s) of the bargaining unit(s): ___ Neutral ___ Support ___ Oppose (*Please specify why*)

   Comments (if appropriate):

5. **Advisory committee or school site council that reviewed the waiver. Name:** SSC  School Site Council

   Per **EC 33051(a)** if the waiver affects a program that requires a school site council that council must **approve** the request.

   Date advisory committee/council reviewed request: 11/28/11

   _x_ Approve ___ Neutral ___ Oppose

   Were there any objection? Yes ___ No _x_ (If there were objections please specify)
6. **Education Code or California Code of Regulations section to be waived.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a *strike out key* if only portions of sections are to be waived). (Attach additional pages if necessary.)

   EC 52852 A school site council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools. Pupils selected by pupils attending the school.

7. **Desired outcome/rationale.** State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

   The desired outcome is the district to be in compliance, and have a workable School Site Council. Waiver is necessary due to the small size of the district. Currently, our staff size is only 3 teachers. Waiver has approval of Site Council.

   Request that the composition of the School Site Council be 1 certificated employee, 1 classified employee, 1 administrator, and 3 parents or community members. Total members to be six.

8. **Demographic Information:**

   *Big Lagoon Union School District* has a student population of 50 students and is located in a rural *setting* in Humboldt County.

   **Is this waiver associated with an apportionment related audit penalty?** (per EC 41344)  _x_ No  __ Yes

   *(If yes, please attach explanation or copy of audit finding)*

   **Has there been a Categorical Program Monitoring (CPM) finding on this issue?** _x_ No  __ Yes

   *(If yes, please attach explanation or copy of CPM finding)*

   **District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title: Superintendent</th>
<th>Date: 12-09-11</th>
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<tbody>
<tr>
<td>Signature of SELPA Director (only if a Special Education Waiver)</td>
<td>Date:</td>
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   FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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<tr>
<th>Staff Name (type or print):</th>
<th>Staff Signature:</th>
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<tr>
<td>Unit Manager (type or print):</td>
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<td>Division Director (type or print):</td>
<td>Division Director Signature:</td>
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<td>Deputy (type or print):</td>
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<td>Date:</td>
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CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

First Time Waiver: _X_
Renewal Waiver: __

SW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to: Send Electronic copy in Word and
Waiver Office, California Department of Education back-up material to: waiver@cde.ca.gov
1430 N Street, Suite 5602
Sacramento, CA 95814

CD CODE
1 5 6 3 3 8 8

Local educational agency: Caliente union School District

Contact name and Title: Kathleen s. Hansen
Superintendent/Principal

Contact person’s e-mail address: khansen@zeus.kern.org

Address: 12400 Caliente Creek Road

(City) Caliente
(State) CA
(ZIP) 93518

Phone (and extension, if necessary): 661 867-2301
Fax number: 661 867-6902

Period of request: (month/day/year)
From: 8/1/11 To: 7/1/13

Local board approval date: (Required)
11/08/11

LEGAL CRITERIA

1. Authority for the waiver: __EC_ Specific code section: _52863_
Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want 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)

2. Education Code or California Code of Regulations or portion to be waived.
Section to be waived: 52852 Circle One: EC
Brief Description of the topic of the waiver:
Schoolsite councils for small schools sharing common services or attendance areas, administration and other characteristics

3. If this is a renewal of a previously approved waiver, please list Waiver No: ______ and date of SBE approval _______
Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for EC 56101 waivers)

Does the district have any employee bargaining units? _X_ No ___ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):

Name of bargaining units and representative(s) consulted:

The position(s) of the bargaining unit(s): ___ Neutral ___ Support ___ Oppose (Please specify why)

Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver. Name: Mike Lopes, Chair Person
Caliente Union School Site Council
Per EC 33051(a) if the waiver affects a program that requires a school site council that council must approve the request.
Date advisory committee/council reviewed request: 11/08/11

_X_ Approve ___ Neutral ___ Oppose

Were there any objection? Yes ___ No _X__ (If there were objections please specify)
<table>
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<th>6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a <em>strike out key</em> if only portions of sections are to be waived). (Attach additional pages if necessary.)</th>
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<tr>
<td><strong>EC 52852</strong> 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 at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.</td>
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<th>7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)</th>
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<tr>
<td>1 principal for both sites. There are 5 students (composed of three different families) and 1 teacher at Caliente Elementary and 65 students, 4 and 1 RSP teachers at Piute Mountain. There are 20 miles between the 2 schools in this district. The district shares the same curriculum, admin., and all other services – at both sites,. This is a small rural community that has a lot of acreage between homes and schools.</td>
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<th>8. Demographic Information: (District/school/program)__ has a student population of _________ and is located in a <strong><em>(urban, rural, or small city etc.)</em></strong> in __________ County.</th>
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</table>

| Is this waiver associated with an apportionment related audit penalty? (per **EC 41344**) _X_ No __  Yes |

| Has there been a Categorical Program Monitoring (CPM) finding on this issue? _X_ No __  Yes |

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<tr>
<td>Superintendent/Principal</td>
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<tr>
<td>Signature of SELPA Director (only if a Special Education Waiver)</td>
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<td>Deputy (type or print):</td>
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<td>Date:</td>
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</table>
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SHARED SCHOOL SITE COUNCIL

First Time Waiver: X
Renewal Waiver: 

SW-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to: Send electronic copy in Word and
Waiver Office, California Department of Education back-up material to: waiver@cde.ca.gov

1430 N Street, Suite 5602
Sacramento, CA 95814

Local educational agency: Caruthers Unified School District
Contact name and Title: James M. Sargent, Superintendent
Contact person's e-mail address: jsargent@caruthers.k12.ca.us

Address: #1 Tiller Ave CA 93609
PO Box 127

Period of request: (month/day/year) From: 11/22/2011 To: 11/22/2013

Local board approval date: (Required) 11/21/2011

LEGAL CRITERIA

1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive:
   
   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)

2. California Education Code or California Code of Regulations or portion to be waived.
   
   EC 52852 Schoolsite councils for small schools sharing common services or attendance areas, administration and other characteristics.

   Read SBE Waver Policy for Shared SSC's: http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc

   Waivers meeting these conditions go to SBE Consent Calendar.

3. If this is a renewal of a previously approved waiver, please list Waiver No: _____ and date of SBE approval
   
   Renewals of waivers must be submitted two months before the active waiver expires.

   
   Does the district have any employee bargaining units? ___ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 11/08/2011

   Name of bargaining units and representative(s) consulted:
   
   Caruthers Unified Teachers Association- Mary Betteschild and Carla Correia, Co-Presidents
   
   California School Employees Association- Margie Conger, President

   The position(s) of the bargaining unit(s): ___ Neutral _X_ Support ___ Oppose (Please specify why)

   Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name:

   CHS School Site Council: Orin Hirschkorn, Marla Enmark, Tyson Lowry, Carmen Hernandez, Joel Cooley, Kathy Davila, Shannon Edlund, Eufemia Sanchez, Russell Sterling, Mary Betteschild, Baljit Gill, Jeannine Prince, Rosemary Meza, and Manveer Purewal

   Date advisory committee/council reviewed request: 11/03/2011

   14 Approve 0 Neutral 0 Oppose

   Were there any objections? Yes ___ No _X_ (If there were objections please specify). 

CD CODE

1 0 3 0 5 4 3
6. California Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived.

**EC 52852** A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

Please attach a brief description of the situation in your area: 1. The number of principals, students and teachers at each school 2. Do the schools have a common administration, curriculum, or other shared services? Explain. 3. Do the schools have a geographic proximity or similar student population? What is the distance?

8. Demographic Information:

(District/school/program) MARC High School has a student population of _13_ and is located in a _rural area_ (urban, rural, or small city etc.) in __Fresno___ County.

Is this waiver associated with an apportionment related audit penalty? (per **EC 41344**) _X_ No ___ Yes

(If yes, please attach explanation or copy of audit finding)

Has there been a Coordinated Compliance Review finding on this issue? _X_ No ___ Yes

(If yes, please attach explanation or copy of CCR finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: ___________ Title: ___________ Date: ___________

Signature of SELPA Director (only if a Special Education Waiver) ___________ Date: ___________

---

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name (type or print): ___________ Staff Signature: ___________ Date: ___________

Unit Manager (type or print): ___________ Unit Manager Signature: ___________ Date: ___________

Division Director (type or print): ___________ Division Director Signature: ___________ Date: ___________

Deputy (type or print): ___________ Deputy Signature: ___________ Date: ___________
7. Desired outcome/rationale:

MARC High School is a small continuation school serving 9 students in grades nine through twelve as of Census Day. It is located on the same property as the comprehensive high school, Caruthers High School, which serves 533 students. Both high schools reside in a small rural community in the Central San Joaquin Valley. Due to the size of the community, these schools share common family members and similar demographics.

MARC High has a principal who also serves as a teacher. In addition to the principal, there are four other teachers at the continuation school. The four teachers are primarily Caruthers High School teachers, however, they each teach one class at MARC High. Caruthers High has 26 teachers. The schools share staff members to ensure the continuation school has highly qualified teachers.

Both MARC High and Caruthers High School share similar curriculum and services (e.g. Special Education support, testing coordinators, etc.). This waiver is necessary to streamline common district goals with limited staff and resources.
SPECIFIC WAIVER: SCHOOL SITE COUNCIL- COMPOSITION OF MEMBERS

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in Word and back-up material to: waiver@cde.ca.gov

Local educational agency:
Fontana Unified School District

Contact name and recipient of approval/denial notice:
Lisa Rivero, Director Categorical Programs

Contact person’s e-mail address:
rivela@fusd.net

Address:
9680 Citrus Avenue Fontana California 92335

Phone (and extension, if necessary):
909-357-5000 ext. 7148
Fax number:
909-357-7556

Period of request: (month/day/year)
From: 10/20/2011 To: 10/20/2013

Local board approval date: (Required)
October 19, 2011

LEGAL CRITERIA

1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: X Specific code section: 52863

   EC 52863 Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

2. California Education Code or California Code of Regulations or portion to be waived.
   Section to be waived: (number) EC 52852

   Requesting reduced composition in members for a small school. (Statute requires 12 members for a high school site council and 10 members for elementary school site council).

3. If this is a renewal of a previously approved waiver, please list Waiver No: N/A and date of SBE approval
   Renewals of waivers must be submitted two months before the active waiver expires.

   Does the district have any employee bargaining units? ___ No _X_ Yes  If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): September 7, 2011

   Name of bargaining units and representative(s) consulted: Pat Mazzulli, President, Fontana Teachers Association (FTA)
   Richard Bruce, President, United Steelworkers (USWA)

   The position(s) of the bargaining unit(s): ___ Neutral _X_ Support ___ Oppose (Please specify why)

   Comments (if appropriate): After consultation with both bargaining unit representatives, the representatives sought input from their respective members prior to confirming their support of this waiver.

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: Eric Birch
   Continuation High School, School Site Council

   Date advisory committee/council reviewed request:

   _X_ Approve ___ Neutral ___ Oppose

   Were there any objection? Yes ___ No _X_ (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

*EC 52852* A school site council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives 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.

7. Eric Birch Continuation High School has one Administrator, one Guidance Technician, one Custodian, one Health Clerk, one RSP Aide, two office staff members, seventeen teachers and approximately four hundred students.

A composition waiver would allow SSC to regularly have quorum at SSC meeting. We often lack quorum due to the limited amount of staff members and the mobility rate of our student population. Our school has a high mobility rate and often students and parents that begin the school year at our site do not necessarily end the school year at our site. Therefore, the school is constantly reappointing student and parent members. It is also difficult for the school to share a school site council with another school because of the logistics of scheduling meetings, taking personnel and students off campus, and transporting personnel and staff to a separate site, when staff is already very limited.

As there is only one administrator, on-site availability is crucial to handle staff, student, and parent issues. Reducing the required School Site Council size from 12 to 8 (1 principal, 2 teachers, 1 other staff, 2 parents, 2 students) would greatly assist us in maintaining the correct composition of our School Site Council throughout the year.

*Please attach a brief description of the situation in this school:* The number of administrative staff, teachers and students at the schools. Indicate why a composition waiver is needed rather than this school sharing a SSC with another school per the SBE Waiver Policy for Shared SSC's available at: [http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc](http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc)

8. Demographic Information:

*Fontana Unified School District/Eric Birch Continuation High School* has a student population of 400 and is located in an urban city in San Bernardino County.

*Is this waiver associated with an apportionment related audit penalty?* (per *EC 41344*)

(If yes, please attach explanation or copy of audit finding)

*Has there been a Coordinated Compliance Review finding on this issue?*

(If yes, please attach explanation or copy of CCR finding)

*District or County Certification* — I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:  
Title:  
Superintendent  
Date:

Signature of SELPA Director (only if a Special Education Waiver):  
Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):  
Staff Signature:  
Date:

Unit Manager (*type or print*):  
Unit Manager Signature:  
Date:

Division Director (*type or print*):  
Division Director Signature:  
Date:

Deputy (*type or print*):  
Deputy Signature:  
Date:
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SCHOOL SITE COUNCIL- COMPOSITION OF MEMBERS

First Time Waiver: _X_  
Renewal Waiver: ___

SW-1 (Rev. 10-2-2009)  http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:  Waiver Office, California Department of Education  
Send electronic copy in Word and back-up material to: waiver@cde.ca.gov

1430 N Street, Suite 5602  
Sacramento, CA 95814

Local educational agency:  Fontana Unified School District  
Contact name and recipient of approval/denial notice: Lisa Rivero, Director Categorical Programs  
Contact person’s e-mail address: rivela@fusd.net

Address: 9680 Citrus Avenue  
(City) Fontana  
(State) California  
(ZIP) 92335

Phone (and extension, if necessary): 909-357-5000 ext. 7148  
Fax number: 909-357-7556

Period of request:  (month/day/year)  
From: 10/20/2011  
To: 10/20/2013

Local board approval date: (Required)  
October 19, 2011

LEGAL CRITERIA

1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: X Specific code section: 52863

EC 52863 Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

2. California Education Code or California Code of Regulations or portion to be waived.  
Section to be waived: (number) EC 52852

Requesting reduced composition in members for a small school. (Statute requires 12 members for a high school site council and 10 members for elementary school site council).

3. If this is a renewal of a previously approved waiver, please list Waiver No: N/A and date of SBE approval  
Renewals of waivers must be submitted two months before the active waiver expires.


Does the district have any employee bargaining units? ___ No _X_ Yes  
If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): September 7, 2011

Name of bargaining units and representative(s) consulted: Pat Mazzulli, President, Fontana Teachers Association (FTA)  
Richard Bruce, President, United Steelworkers (USWA)

The position(s) of the bargaining unit(s): ___ Neutral _X_ Support ___ Oppose (Please specify why)

Comments (if appropriate): After consultation with both bargaining unit representatives, the representatives sought input from their respective members at prior to confirming their support of this waiver.

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: Citrus Continuation High School, School Site Council

Date advisory committee/council reviewed request:

_X_ Approve ___ Neutral ___ Oppose

Were there any objection? Yes ___ No _X_ (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived.

EC 52852 A school site council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives 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.

7. Citrus High School is a continuation high school with a goal of credit recovery leading to graduation for all students. Student graduation can be attained by the students returning to their home comprehensive high school after they earned the required credits to be on track or by graduating from Citrus High. As such, many of our students attend Citrus High for a year or less. This high student turnover rate is by design, but limits the number of students and parents who can participate in our School Site Council. Often students and parents who volunteer for our School Site Council leave Citrus High School before the end of the school year. In addition, our school has two Administrators, one Custodian, one Health Clerk, one RSP Aide, one Bilingual Aide, five office staff members, and nineteen teachers.

We have a small student population of approximately 400 which further limits our potential committee pool. A third factor is the fact that our entire student population is considered at-risk. Many of our students and parents have not been involved in school committees and are hesitant to participate. We actively reach out to our parents and students to participate in our School Site Council and other committees. Although we have had limited success in this area, reducing the required School Site Council size from 12 to 8 (1 principal, 2 teachers, 1 other staff, 2 parents, 2 students) would greatly assist us with maintaining the correct composition of our School Site Council throughout the year.

Please attach a brief description of the situation in this school: The number of administrative staff, teachers and students at the schools. Indicate why a composition waiver is needed rather than this school sharing a SSC with another school per the SBE Waiver Policy for Shared SSC’s available at:
http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc

8. Demographic Information:
Fontana Unified School District/Citrus Continuation High School has a student population of 400 and is located in an urban city in San Bernardino County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) _X_ No ___ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Coordinated Compliance Review finding on this issue? _X_ No ___ Yes
(If yes, please attach explanation or copy of CCR finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

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<th>Title:</th>
<th>Date:</th>
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<td><strong>Superintendent</strong></td>
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<th>Signature of SELPA Director (only if a Special Education Waiver)</th>
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SCHOOL SITE COUNCIL- COMPOSITION OF MEMBERS

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

CD CODE

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Local educational agency: French Gulch-Whiskeytown School District

Contact name and recipient of approval/denial notice: Kirk Heims

Contact person’s e-mail address: kheims@shastalnk.k12.ca.us

Address: 11442 Cline Gulch Road, PO Box 368, French Gulch, CA 96033

Phone (and extension, if necessary): 530-359-2151
Fax number: 530-359-2010

Period of request: (month/day/year) From: 11/10/2011 To: 11/10/2012

Local board approval date: (Required) 11/14/2011

LEGAL CRITERIA

1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: X Specific code section: 52863

   EC 52863 Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

2. California Education Code or California Code of Regulations or portion to be waived. Section to be waived: (number) EC 52852

   Requesting reduced composition in members for a small school. (Statute requires 12 members for a high schoolsite council and 10 members for elementary schoolsite council).

3. If this is a renewal of a previously approved waiver, please list Waiver No: and date of SBE approval

   Renewals of waivers must be submitted two month before the active waiver expires.


   Does the district have any employee bargaining units? _X_ No ___ Yes  If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):

   Name of bargaining units and representative(s) consulted:

   The position(s) of the bargaining unit(s): ___ Neutral ___ Support ___ Oppose (Please specify why)

   Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: FGWS SSC

   Kirk Heims, Lesley Pearson, Linda Swayne, Callie Lievsay, Ember Swan

   Date advisory committee/council reviewed request: November 7, 2011

   _X_ Approve ___ Neutral ___ Oppose

   Were there any objection? Yes ___ No _X_ (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

   EC 52852 A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

   Please attach a brief description of the situation in this school: The number of administrative staff, teachers and students at the schools. Indicate why a composition waiver is needed rather than this school sharing a SSC with another school per the SBE Waiver Policy for Shared SSC’s available at: http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc

8. Demographic Information:
   French Gulch-Whiskeytown has a student population of less than 20 and is located in a rural part in Shasta County.

---

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  _X_ No  __ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Coordinated Compliance Review finding on this issue?  _X_ No  __ Yes
(If yes, please attach explanation or copy of CCR finding)

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District or County Certification – I hereby certify that the information provided on this application is correct and complete.

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<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
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<tr>
<td>Kirk Heims</td>
<td>Superintendent</td>
<td>11/14/2011</td>
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Signature of SELPA Director (only if a Special Education Waiver)

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French Gulch – Whiskeytown School  
PO Box 368  
French Gulch, CA 96033  

December 19, 2011

Re: SPECIFIC WAIVER: SCHOOL SITE COUNCIL- COMPOSITION OF MEMBERS

Question number 7 refers to the composition and we do not have enough employee’s and parents to reasonably meet the state requirements, thus we are requesting permission to have a reduced number of site council members.

French Gulch-Whiskeytown School District is a rural one-school school district. We have one contracted certificated employee, one part-time temporary certificated employee, one part-time office manager, one part-time nutrition specialist and one part-time bus driver/maintenance employee. There are 20 students enrolled.  
Our community is 30 minutes from the nearest large community for employment and many of our parents/guardians work in that town and are unable to attend Site Council Meetings.

We have had difficulty setting and achieving successful meetings due to absences and hope that we could find more success in a change of this kind.

Thank you,
Kirk Heims
Superintendent
SPECIFIC WAIVER: SCHOOL SITE COUNCIL- COMPOSITION OF MEMBERS

First Time Waiver:  X  
Renewal Waiver:  ___

Send Original plus one copy to: 
Waiver Office, California Department of Education 
1430 N Street, Suite 5602 
Sacramento, CA 95814 

Send electronic copy in Word and back-up material to: waiver@cde.ca.gov

Local educational agency: 
Happy Camp Elementary School

Contact name and recipient of approval/denial notice: 
Casey Chambers

Contact person’s e-mail address: 
cchambers@sisnet.ssk12.ca.us

Address: 
114 Park Way 
Happy Camp, CA 96039

Period of request:  (month/day/year) 
From: 11/1/11  To: 11/1/13  
Local board approval date: (Required) 
12/15/11

LEGAL CRITERIA

1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: X Specific code section: 52863

   EC 52863 Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

2. California Education Code or California Code of Regulations or portion to be waived. Section to be waived: (number) EC 52852

   Requesting reduced composition in members for a small school. (Statute requires 12 members for a high schoolsite council and 10 members for elementary schoolsite council).

3. If this is a renewal of a previously approved waiver, please list Waiver No:  and date of SBE approval

   Renewals of waivers must be submitted two month before the active waiver expires.


   Does the district have any employee bargaining units?  ___ No  X Yes  If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): October 26, 2011  
   Name of bargaining units and representative(s) consulted: Association of Klamath Teachers  
   The position(s) of the bargaining unit(s):  ___ Neutral  X Support  ___ Oppose (Please specify why)

   Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name:

   Lewiston School Site Council

   Date advisory committee/council reviewed request: October 20, 2011  
   X Approve  ___ Neutral  ___ Oppose

   Were there any objections?  Yes ___ No  X (If there were objections please specify)
**CALIFORNIA DEPARTMENT OF EDUCATION**  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-2009)

6. **Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived.**

**EC 52852** A school site council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives 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.

The district wishes to form an eight-member SSC composed of the principal, two teachers, one other staff and four parents or community members elected by parents.

7. **Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)**

**Happy Camp Elementary School Site Council composition would consist of 1 principal, 1 classified personnel, 2 teachers, and 4 parent or community members.**

Our elementary school has 8 classroom teachers, 3 of whom coach or perform other responsibilities after school throughout the year. The remaining 5 teachers take turns as members of the SSC for a term of 2 years each. A minimum of 3 teachers is required to comprise the majority persons represented under category (a). With only 5 teachers, a teacher has to serve 4 consecutive years to continue to meet the majority requirement. With only 2 teachers participating each year the representing teachers rotate as SSC members to provide a break between terms.

8. **Demographic Information:**

Happy Camp Elementary School has a student population of approximately 100 students and is located in a rural area in Siskiyou County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344) X No __ Yes**

(If yes, please attach explanation or copy of audit finding)

**Has there been a Coordinated Compliance Review finding on this issue? X No __ Yes**

(If yes, please attach explanation or copy of CCR finding)

**District or County Certification – I hereby certify that the information provided on this application is correct and complete.**

| Signature of Superintendent or Designee: | Title: Superintendent/Principal | Date: October 11, 2011 |
| Signature of SELPA Director (only if a Special Education Waiver) | Date: |

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

| Staff Name (type or print): | Staff Signature: | Date: |
| Unit Manager (type or print): | Unit Manager Signature: | Date: |
| Division Director (type or print): | Division Director Signature: | Date: |
| Deputy (type or print): | Deputy Signature: | Date: |
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SHARED SCHOOL SITE COUNCIL

First Time Waiver: _X_
Renewal Waiver: __

Send Original plus one copy to: Waiver Office, California Department of Education
Send electronic copy in Word and back-up material to: waiver@cde.ca.gov

1430 N Street, Suite 5602
Sacramento, CA 95814

CD CODE
1 9 1 0 1 9 9

Local educational agency: Los Angeles County Office of Education

Contact name and Title: Dr. Tracy Rohlfing Coordinator Title I

Address: 12830 Columbia Way Downey CA 90242

Period of request: From: 10/18/2011 To: 9/30/2013

Local board approval date: 10/18/2011

LEGAL CRITERIA

1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive:

   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)

2. California Education Code or California Code of Regulations or portion to be waived.

   EC 52852 Schoolsite councils for small schools sharing common services or attendance areas, administration and other characteristics.

   Read SBE Waver Policy for Shared SSC’s: http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc

   Waivers meeting these conditions go to SBE Consent Calendar.

3. If this is a renewal of a previously approved waiver, please list Waiver No: NA and date of SBE approval Renewals of waivers must be submitted two months before the active waiver expires.


   Does the district have any employee bargaining units? ___ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): September 24, 2011- Title One Office

   Name of bargaining units and representative(s) consulted: LACEA Elena Johnson/Brian Cristian

   The position(s) of the bargaining unit(s): ___ Neutral _X_ Support ___ Oppose (Please specify why)

   Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: ___

   Date advisory committee/council reviewed request: ___

   _X_ Approve ___ Neutral ___ Oppose

   Were there any objections? Yes ___ No _X_ (If there were objections please specify)
6. California Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

   EC 52852 A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

   Please attach a brief description of the situation in your area: No Child Left Behind and California Education Code 52852 require that each school site as determined by County-District-School (CDS) code, maintain an active School Site Council. Each School Site Council works collectively to create a Single Plan for Student Achievement for each school year that reflects the goals of the LEA Plan and outlines categorical expenditures for the year. This waiver will enable LACOE principals and stakeholders to form School Site Councils by Principals Administrative Unit (PAU) rather than by individual school sites. The modification will provide greater collaboration for sites represented by one principal and will also allow for analysis of data by individual school site. Each PAU will be responsible for writing a Single Plan for Student Achievement that reflects the needs of all sites.

8. Demographic Information:
   Los Angeles County Office of Education has a student population of 8703 and is located in a geographically diverse areas comprised of 4200 square miles in Los Angeles County.

   Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  _x_ No  ___ Yes
   (If yes, please attach explanation or copy of audit finding)

   Has there been a Coordinated Compliance Review finding on this issue?  _x_ No  ___ Yes
   (If yes, please attach explanation or copy of CCR finding)

   District or County Certification – I hereby certify that the information provided on this application is correct and complete.

   Signature of Superintendent or Designee:  
   Title:  
   Date:  

   Signature of SELPA Director (only if a Special Education Waiver)  
   Date:  

   FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

   Staff Name (type or print):  
   Staff Signature:  
   Date:  

   Unit Manager (type or print):  
   Unit Manager Signature:  
   Date:  

   Division Director (type or print):  
   Division Director Signature:  
   Date:  

   Deputy (type or print):  
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- Department of Justice Facilities for Incarcerated Youth.
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SHARED SCHOOL SITE COUNCIL

Send Original plus one copy to: Waiver Office, California Department of Education
Send electronic copy in Word and back-up material to: waiver@cde.ca.gov

1430 N Street, Suite 5602
Sacramento, CA 95814

CD CODE

1 2 6 2 9 3 5

Local educational agency:
Maple Creek Elementary School District

Contact name and Title:
Wendy Orlandi

Contact person’s e-mail address:
worlandi@humboldt.k12.ca.us

Address:
15933 Maple Creek Road
Korbel, CA 95550

Period of request: (month/day/year)
From: 03/12/2012 To: 03/12/2014

Local board approval date: December 14, 2011

LEGAL CRITERIA

1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive:

   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)

2. California Education Code or California Code of Regulations or portion to be waived.

   EC 52852 Schoolsite councils for small schools sharing common services or attendance areas, administration and other characteristics.

   Read SBE Waver Policy for Shared SSC’s: http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc

   Waivers meeting these conditions go to SBE Consent Calendar.

3. If this is a renewal of a previously approved waiver, please list Waiver No: 116-1-2011-W-12 May 12, 2011 and date of SBE approval

   Renewals of waivers must be submitted two months before the active waiver expires.


   Does the district have any employee bargaining units? _X_ No ___ Yes ___ If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):

   Name of bargaining units and representative(s) consulted:

   The position(s) of the bargaining unit(s): ___ Neutral ___ Support ___ Oppose (Please specify why)

   Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: __Wendy Orlandi, Carlene Cogliati, John Cromwell, Kacey Karrer, Sarah Orzalli, Jennifer Wauer_

   Date advisory committee/council reviewed request: __12/08/11

   _6_ Approve ___0_ Neutral ___0_ Oppose

   Were there any objections? Yes ___ No _X___ (If there were objections please specify)
CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST
SW-1 (Rev. 10-2-2009)

6. California Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

EC 52852 A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

Please attach a brief description of the situation in your area: 1. The number of principals, students and teachers at each school 2. Do the schools have a common administration, curriculum, or other shared services? Explain. 3. Do the schools have a geographic proximity or similar student population? What is the distance?

The desired outcome is for the District to be in compliance, and have a workable School Site Council. The waiver is necessary due to the small size of our District (under 25 ADA). Currently our certificated staff is Principal/Superintendent, a shared teaching position totaling 1.13 FTE. There are not enough teachers to meet the 3-teacher requirement. Waiver has the approval of the School Site Council. Request that the composition of the School Site Council be 1 Principal/Superintendent (Administrator), 1 certificated employee (teacher), 1 classified employee (classroom aide/bus driver), and 3 parents or community members. Total members to be 6.

8. Demographic Information:
Maple Creek Elementary School has a student population of ____14____ and is located in rural area of Korbel in Humboldt County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) X No ___ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Coordinated Compliance Review finding on this issue? X No ___ Yes
(If yes, please attach explanation or copy of CCR finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: Title: Superintendent Date:

Signature of SELPA Director (only if a Special Education Waiver) Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print): Staff Signature: Date:

Unit Manager (type or print): Unit Manager Signature: Date:

Division Director (type or print): Division Director Signature: Date:

Deputy (type or print): Deputy Signature: Date:
## SPECIFIC WAIVER: SCHOOL SITE COUNCIL - COMPOSITION OF MEMBERS

**First Time Waiver: _X__**  
**Renewal Waiver: ___**

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**Local educational agency:**  
Mountain Valley Unified School District

**Address:**  
PO Box 70  
Hayfork, CA 96041

**Contact name and recipient of approval/denial notice:**  
Julie Lacitignola

**Contact person’s e-mail address:**  
juliel@mvusd.us

**Phone (and extension, if necessary):**  
(530) 628-5294

**Fax number:**  
(530) 628-5344

**Period of request:**  
From: 11/01/2011  
To: 6/30/2013

**Local board approval date:**  
11/09/2011

### LEGAL CRITERIA

1. **Authority for the waiver:**  
   Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: X Specific code section: **52863**

   *EC 52863* Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

2. **California Education Code or California Code of Regulations or portion to be waived.**  
   Section to be waived: (number) **EC 52852**

   Requesting reduced composition in members for a small school. (Statute requires 12 members for a high school site council and 10 members for elementary school site council).

3. **If this is a renewal of a previously approved waiver, please list Waiver No:** and date of SBE approval

   Renewals of waivers must be submitted two month before the active waiver expires.

4. **Collective bargaining unit information.**

   Does the district have any employee bargaining units?  
   ____ No  
   _X_ Yes  
   If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):**  
   10/17/2011

   **Name of bargaining units and representative(s) consulted:**  
   Mountain Valley Teacher’s Association, Morgan Rourke, President
   CSEA Hayfork/Hyampom Chapter, Terra Kephart, President

   The MVTA is in support of the waiver and CSEA is neutral.

5. **Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name:**  
   Date advisory committee/council reviewed request: 12/06/2011

   _X_ Approve  
   ___ Neutral  
   ___ Oppose

   Were there any objection?  
   Yes _X_ No  
   (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

EC 52852 A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

Please attach a brief description of the situation in this school: The number of administrative staff, teachers and students at the schools. Indicate why a composition waiver is needed rather than this school sharing a SSC with another school per the SBE Waiver Policy for Shared SSC’s available at: http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc

8. Demographic Information:
(District/school/program) Mountain Valley Unified School District has a student population of 338 and is located in an isolated, rural mountain community in Trinity County.

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<th>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</th>
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<td>(If yes, please attach explanation or copy of audit finding)</td>
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<th>Has there been a Coordinated Compliance Review finding on this issue?</th>
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District or County Certification – I hereby certify that the information provided on this application is correct and complete.

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<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
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<td>Signature of SELPA Director (only if a Special Education Waiver):</td>
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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<th>Staff Name (type or print):</th>
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<td>Unit Manager (type or print):</td>
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<td>Division Director (type or print):</td>
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<td>Deputy (type or print):</td>
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7. Attachment to the SPECIFIC WAIVER: SCHOOL SITE COUNCIL-COMPOSITION OF MEMBERS

This is a waiver request for two sites within the district, Hayfork High School and Hyampom Arts Magnet School.

Mountain Valley Unified School District is located in Trinity County. There are five schools in the district. Hayfork Elementary School, Hayfork High School, Valley Continuation High, and Hayfork Community Day School are all located within several miles of each other in the town of Hayfork. Hyampom Arts Magnet School is located 24 miles away in the community of Hyampom, which is a 45 minute drive.

Hayfork High School
Hayfork High School is a small, rural comprehensive high school. There is a .44 principal, nine teachers and 99 students. There are two positions in the school office, four paraprofessionals in the special education classroom, and a librarian technician. The continuation high school includes a half-time teacher and 8 students. The sites share the principal. The school is also submitting a waiver to combine with the Parent Advisory Council of VHS.

The minimum number for a high school is twelve. With 9.5 teachers doing many other duties outside of the classroom, it is difficult to have the required number of teachers on the council. The principal, a classified person and two teachers, along with three parents/community member and a student would be a reasonable combination for this site.

Hyampom Arts Magnet School
Hyampom Arts Magnet School (HAMS) is a 1 teacher school, with 12 students in grades k-5. There is a part-time instructional assistant at the school. The principal for Hayfork Elementary School is also the principal for HAMS. It would be impossible for teachers to be a majority of the staff on the Site Council, as there is only one teacher. It would make an effective group by allowing the teacher, the aide and the principal and three parents to compose the council. HAMS has operated its own Site Council and would like to continue to do so, because of the distance to Hayfork.

Rationale
A waiver would allow a reduction in the number of school personnel and parents that are required to serve on the SSC at Hayfork High School and Hyampom Arts Magnet School. It is difficult to meet the required member numbers, due to the isolated, rural nature of the schools and the small number of staff.
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SHARED SCHOOL SITE COUNCIL

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to: SBE Consent Calendar
Waiver Office, California Department of Education
Send electronic copy in Word and
back-up material to: waiver@cde.ca.gov

1430 N Street, Suite 5602
Sacramento, CA 95814

Local educational agency:
Mountain Valley Unified School District

Contact name and Title:
Julie Laclignola, Consolidated Programs Coordinator

Contact person's e-mail address:
juliel@mvusd.us

Address:
PO Box 70
Hayfork, CA 96041

Phone (and extension, if necessary):
(530) 628-5294
Fax number: (530) 628-5344

Period of request: (month/day/year)
From: 11/1/2011 To: 6/30/2013

Legal Criteria

1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive:
   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)

2. California Education Code or California Code of Regulations or portion to be waived.
   EC 52852 Schoolsite councils for small schools sharing common services or attendance areas, administration and other characteristics.
   Read SBE Waver Policy for Shared SSC's: http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc
   Wavers meeting these conditions go to SBE Consent Calendar.

3. If this is a renewal of a previously approved waiver, please list Waiver No: _____ and date of SBE approval
   Renewals of waivers must be submitted two months before the active waiver expires.

   Does the district have any employee bargaining units? ___ No ___X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 10/17/2011

   Name of bargaining units and representative(s) consulted:
   Mountain Valley Teacher’s Association
   Representative: Morgan Rourke, President
   CSEA Hayfork /Hyampom Chapter
   Representative: Terra Kephart, President

   The position(s) of the bargaining unit(s): X Neutral (CSEA) X Support(MVTA) Oppose (Please specify why)
5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED).

Name: Valley High School Parent Advisory Council    Date advisory committee/council reviewed request: 10/12/2011
Hayfork High School Site Council    Date advisory council reviewed request: 12/02/2011
__X_ Approve ___ Neutral ___ Oppose

Were there any objections? Yes ___ No __X_ (If there were objections please specify)

6. California Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived.

EC 52852 A school site council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives 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.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

Please attach a brief description of the situation in your area: 1. The number of principals, students and teachers at each school 2. Do the schools have a common administration, curriculum, or other shared services? Explain. 3. Do the schools have a geographic proximity or similar student population? What is the distance?

8. Demographic Information:
Valley High School has 8 students and Hayfork High School has 99 students. Both schools are located in Hayfork, an isolated town in Trinity County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) __X_ No ___ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Coordinated Compliance Review finding on this issue? __X__ No ___ Yes
(If yes, please attach explanation or copy of CCR finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:    Title:    Date:
Superintendent

Signature of SELPA Director (only if a Special Education Waiver)    Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print):    Staff Signature:    Date:

Unit Manager (type or print):    Unit Manager Signature:    Date:

Division Director (type or print):    Division Director Signature:    Date:

Deputy (type or print):    Deputy Signature:    Date:
7. Attachment to the SPECIFIC WAIVER:SHARED SCHOOL SITE COUNCIL

Desired Outcome/Rational:

Mountain Valley Unified School District consists of five school sites; Hayfork Elementary School (HES), Hyampom Arts Magnet School (HAMS), Hayfork High School (HHS), Valley Continuation High School (VHS) and Hayfork Community Day School (CDS). The total enrollment of the district is 338 students. The CDS is located adjacent to the Elementary School, and HHS and VHS are about 2 miles apart. HAMS is located 45 minutes away in the small community of Hyampom and serves 12 students in K-5th grade.

HHS and VHS school site councils met to discuss the possibility of joining site councils, and having one council. Currently, the schools share a half-time principal, common curriculum and other services.

Rationale for Combining the Councils:
1. Students that attend VHS usually are from HHS and are behind on their credits. They are working towards completing units towards graduation. These students have the opportunity to earn their way back to HHS.
2. The teacher at VHS is half-time for that site and the other part of her time is spent with Independent Study students and Adult Education.
3. VHS has only 8 students who are working to earn their way back to HHS.
4. It is difficult to get the required number of parents to attend the meetings at VHS. Currently, the only member other than the teacher and principal is a community member.
5. It is a district goal to improve school-to-school communication within the district.
**CALIFORNIA DEPARTMENT OF EDUCATION**

**SPECIFIC WAIVER: SCHOOL SITE COUNCIL - COMPOSITION OF MEMBERS**

First Time Waiver: ___  
Renewal Waiver: ___

Send Original plus one copy to: Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

**Local educational agency:**  
**PENINSULA UNION SCHOOL DISTRICT**

**Address:** 909 Vance Ave  
PO Box 175  
Samoa, CA 95564

**Contact name and recipient of approval/denial notice:**  
**DR. MARY BETH WOLFORD**

**Phone (and extension, if necessary):** (707) 443-2731

**Fax number:** (707) 443-3685

**Period of request:** (month/day/year)  
From: 1/1/2012  
To: 1/1/2014

**Local board approval date:** (Required)  
DEC. 13, 2011

---

**LEGAL CRITERIA**

1. **Authority for the waiver:** Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: X Specific code section: 52863

   *EC 52863* Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

2. **California Education Code or California Code of Regulations or portion to be waived.**

   Section to be waived: (number) **EC 52852**

   Requesting reduced composition in members for a small school. (Statute requires 12 members for a high school site council and 10 members for elementary school site council).

3. **If this is a renewal of a previously approved waiver, please list Waiver No:** __and date of SBE approval Renewals of waivers must be submitted two month before the active waiver expires.

4. **Collective bargaining unit information.**

   Does the district have any employee bargaining units? ___ No  _X_ Yes  
   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **NOV. 28, 2011**

   Name of bargaining units and representative(s) consulted: **CTA/NHTA/NEA Linda Stewart-Rep.**

   California Teachers Association; Northern Humboldt Teachers Association; and National Education Association

   The position(s) of the bargaining unit(s): ___ Neutral  _X_ Support  ___ Oppose (Please specify why)

   Comments (if appropriate): **District Unit Leader confirmed in writing 12/5/11**

5. **Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name:** **Peninsula Union School Site Council**

   Date advisory committee/council reviewed request: **Nov. 28, 2011**

   _X_ Approve  ___ Neutral  ___ Oppose

   Were there any objection?  Yes ___ No _x_ (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

**EC 52852** A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

Please attach a brief description of the situation in this school: The number of administrative staff, teachers and students at the schools. Indicate why a composition waiver is needed rather than this school sharing a SSC with another school per the SBE Waiver Policy for Shared SSC’s available at: [http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc](http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc)

8. Demographic Information:

(District/school/program) Peninsula Union School is a one school district has a student population of ___39____ and is located in a ___(urban, rural, or small city etc.)___ in Humboldt County.

<table>
<thead>
<tr>
<th>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</th>
<th>X</th>
<th>No</th>
<th>Yes</th>
</tr>
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<tbody>
<tr>
<td>Has there been a Coordinated Compliance Review finding on this issue?</td>
<td>X</td>
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**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title: Dr. Mary Beth Wolford</th>
<th>Superintendent/Principal</th>
<th>Date: 12/13/2011</th>
</tr>
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<tbody>
<tr>
<td>Signature of SELPA Director (only if a Special Education Waiver):</td>
<td></td>
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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<td>Deputy (type or print):</td>
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</table>
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SHARED SCHOOL SITE COUNCIL

First Time Waiver: X
Renewal Waiver: __

SW-1 (Rev. 10-2-2009)  http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to: Waiver Office, California Department of Education
Send electronic copy in Word and back-up material to: waiver@cde.ca.gov

1430 N Street, Suite 5602
Sacramento, CA 95814

Local educational agency: San Diego County Office of Education Juvenile Court and Community Schools
Contact name and Title: Mary Glover, Executive Director
Contact person’s e-mail address: mglover@sdcoe.net

Address: 6401 Linda Vista Road  San Diego  CA  92111-7399
(City) (State) (ZIP)
Phone (and extension, if necessary): (858) 571-7240
Fax number: (858) 279-0675

CD CODE 3 7 1 0 3 7 1

Local board approval date: (Required) December 14, 2011

Period of request: (month/day/year) From: July 1, 2011 To: June 30, 2013

LEGAL CRITERIA

1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive:

   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)

2. California Education Code or California Code of Regulations or portion to be waived.

   EC 52852 Schoolsite councils for small schools sharing common services or attendance areas, administration and other characteristics.

   Read SBE Waver Policy for Shared SSC's: http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc

   Wavers meeting these conditions go to SBE Consent Calendar.

3. If this is a renewal of a previously approved waiver, please list Waiver No: X and date of SBE approval Renewals of waivers must be submitted two months before the active waiver expires.


   Does the district have any employee bargaining units? ___ No X Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): September 28, 2011

   Name of bargaining units and representative(s) consulted: Association of Educators President, Peter McNamara and CSEA President, Mike Reese

   The position(s) of the bargaining unit(s): ___ Neutral X Support ___ Oppose (Please specify why)

   Comments (if appropriate): Both Presidents, Peter McNamara and Mike Reese fully support the merging of East Region Court, East Region Community Schools of Greater El Cajon and East Region Community Schools of Greater La Mesa.

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: JCCS Teacher Advisory: Alex Long, Ben Herrera, Caren Novick, Clifton Davis, Jeffra Becknell, Julia Morris, Mark Leon, Mary Glover, Pete McNamara, Rochelle Lightner and Stacy Bermingham

   Date advisory committee/council reviewed request: September 27, 2011

   X Approve ___ Neutral ___ Oppose

   Were there any objections? Yes ___ No X (If there were objections please specify)
6. California Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived.

\textit{EC 52852 A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.}

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

\textbf{Please attach a brief description of the situation in your area:} 1. The number of principals, students and teachers at each school 2. Do the schools have a common administration, curriculum, or other shared services? Explain. 3. Do the schools have a geographic proximity or similar student population? What is the distance?

Please see attached description/rationale for waiver request to combine East Region Court, East Region Community Schools of Greater El Cajon and East Region Community Schools of Greater La Mesa into one joint school site council.

8. Demographic Information: 
\textit{(District/school/program) East Region Court has a student population of 4 teachers and 54 students, East Region Community Schools of Greater El Cajon has 8 teachers and 1411 students, East Region Community Schools of Greater La Mesa has 6 teachers and 146 students, and all are located within a proximity of 7 miles in an urban \textit{(urban, rural, or small city etc.) city in San Diego County.}}

\textbf{Is this waiver associated with an apportionment related audit penalty? (per EC 41344) X No ___ Yes} 
(If yes, please attach explanation or copy of audit finding)

\textbf{Has there been a Coordinated Compliance Review finding on this issue? X No ___ Yes} 
(If yes, please attach explanation or copy of CCR finding)

\textbf{District or County Certification} – \textit{I hereby certify that the information provided on this application is correct and complete.}

<table>
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<tr>
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<tr>
<td>Superintendent of Schools</td>
<td></td>
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<th>Signature of SELPA Director (only if a Special Education Waiver)</th>
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<tr>
<th>Deputy (type or print):</th>
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The San Diego Juvenile Court and Community Schools are requesting a School Site Council Waiver for Small Schools to combine schools in the East Region of San Diego County under the following CDS Codes into one joint school site council named The East Region Joint School Site Council:

- The East Region Court – CDS Code 37-10371-0116020
- The East Region of Greater El Cajon – CDS Code 37-10371-0124677
- The East Region of Greater La Mesa – CDS Code 37-10371-0124685

Our rationale for making this request include the following:

1) the principal is the same person for all of the schools within this region,
2) the schools affected are small: each has less than 150 students,
3) the schools serve a similar Juvenile Court and Community Schools student population,
4) in all cases, the schools have geographic proximity; in many cases two or more schools are located on the same property,
5) the total number of teaching staff at each school is less than ten, and
6) the number of miles between all schools does not exceed 7 miles.

In the Juvenile court and Community Schools, parent participation can be a difficult area to establish. Having a joint school site council would help to unify the schools and lessen the burden on individual school site councils. Many of the educational goals are parallel, and this would help with the sustainability of the school site council by having a joint council. The work would be the same for the council, with a Single Plan for Student Achievement (SPSA), School Accountability Report Card (SARC) and operating budget for each site. Due to the numbers and ratios required to create a compliant school site council, a joint council could serve the three schools very well.

Having a joint school site council would allow the process to be streamlined and save valuable time. This would have a very positive affect in facilitating our local agency operations.
**SPECIFIC WAIVER: SHARED SCHOOL SITE COUNCIL**  
First Time Waiver: X  
Renewal Waiver: __

Send Original plus one copy to: Waiver Office, California Department of Education  
Send electronic copy in Word and back-up material to: waiver@cde.ca.gov

1430 N Street, Suite 5602  
Sacramento, CA 95814

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<th>Local educational agency:</th>
<th>Contact name and Title:</th>
<th>Contact person's e-mail address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Diego County Office of Education Juvenile Court and Community Schools</td>
<td>Mary Glover, Executive Director</td>
<td><a href="mailto:mglover@sdcoe.net">mglover@sdcoe.net</a></td>
</tr>
</tbody>
</table>

<table>
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<tr>
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<th>(State)</th>
<th>(ZIP)</th>
<th>Phone (and extension, if necessary):</th>
<th>Fax number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>6401 Linda Vista Road</td>
<td>San Diego</td>
<td>CA</td>
<td>92119-7399</td>
<td>(858) 571-7240</td>
<td>(858) 279-0675</td>
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<td>(month/day/year)</td>
<td>(Required)</td>
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<tr>
<td>From: July 1, 2011</td>
<td>To: June 30, 2013</td>
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**LEGAL CRITERIA**

1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive:  
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)

2. California Education Code or California Code of Regulations or portion to be waived.  
EC 52852 Schoolsite councils for small schools sharing common services or attendance areas, administration and other characteristics.  
Read SBE Waver Policy for Shared SSC’s: http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc  
Wavers meeting these conditions go to SBE Consent Calendar.

3. If this is a renewal of a previously approved waiver, please list Waiver No: X and date of SBE approval  
Renewals of waivers must be submitted two months before the active waiver expires.

Does the district have any employee bargaining units? ___ No X Yes  
If yes, please complete required information below:  
Bargaining unit(s) consulted on date(s): September 8, 2011  
Name of bargaining units and representative(s) consulted: Association of Educators President, Peter McNamara and CSEA President, Mike Reese  
The position(s) of the bargaining unit(s): ___ Neutral X Support ___ Oppose (Please specify why)

Comments (if appropriate): Both Presidents, Peter McNamara and Mike Reese fully support the merging of Metro Region Court School and Metro Region Community Schools.

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: JCCS Teacher Advisory: Alex Long, Ben Herrera, Caren Novick, Clifton Davis, Jeffra Becknell, Julia Morris, Mark Leon, Mary Glover, Pete McNamara, Rochelle Lightner and Stacy Beringham  
Date advisory committee/council reviewed request: September 27, 2011  
X Approve ___ Neutral ___ Oppose

Were there any objections? Yes ___ No X (If there were objections please specify)
6. California Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived.

   EC 52852 A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

   Please attach a brief description of the situation in your area: 1. The number of principals, students and teachers at each school 2. Do the schools have a common administration, curriculum, or other shared services? Explain. 3. Do the schools have a geographic proximity or similar student population? What is the distance?

   Please see attached description/rationale for waiver request to combine Metro Region Court Schools with Metro Region Community Schools.

8. Demographic Information:

   (District/school/program) Metro Court Schools has a student population of 26 students and Metro Region Community Schools has 597 students and are located in an urban (urban, rural, or small city etc.) city in San Diego County.

   Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  X  No ___ Yes
   (If yes, please attach explanation or copy of audit finding)

   Has there been a Coordinated Compliance Review finding on this issue?  X  No ___ Yes
   (If yes, please attach explanation or copy of CCR finding)

   District or County Certification – I hereby certify that the information provided on this application is correct and complete.

   Signature of Superintendent or Designee:  Title: Superintendent of Schools  Date: December 14, 2011

   Signature of SELPA Director (only if a Special Education Waiver)  Date: N/A

   FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

   Staff Name (type or print):  Staff Signature:  Date:

   Unit Manager (type or print):  Unit Manager Signature:  Date:

   Division Director (type or print):  Division Director Signature:  Date:

   Deputy (type or print):  Deputy Signature:  Date:
San Diego County Office of Education  
JUVENILE COURT AND COMMUNITY SCHOOLS  

School Site Council Waiver for Small Schools  
RATIONALE  
for METRO REGION WAIVER REQUEST  
December 14, 2011  

The San Diego Juvenile Court and Community Schools are requesting a School Site Council Waiver for Small Schools to combine schools in the Metro Region of San Diego County under the following CDS Codes into one joint school site council named The Metro Region Joint School Site Council:  

- The Metro Region Court – CDS Code 37-10371-0115972  
- The Metro Region Community – CDS Code 37-10371-0115949  

Our rationale for making this request include the following  

1) the principal is the same person for all of the schools within this region,  
2) the schools affected are small: each has less than 120 students,  
3) the schools serve a similar Juvenile Court and Community Schools student population,  
4) in all cases, the schools have geographic proximity; in many cases two or more schools are located on the same property,  
5) the total number of teaching staff at each school is less than ten, and  
6) the Metro Region Court Schools are no more than 7 miles from the Metro Region Community Schools sites.  

In the Juvenile court and Community Schools, parent participation can be a difficult area to establish. Having a joint school site council would help to unify the schools and lessen the burden on individual school site councils. Many of the educational goals are parallel, and this would help with the sustainability of the school site council by having a joint council. The work would be the same for the council, with a Single Plan for Student Achievement (SPSA), School Accountability Report Card (SARC) and operating budget for each site. Due to the numbers and ratios required to create a compliant school site council, a joint council could serve both schools very well.  

Having a joint school site council would allow the process to be streamlined and save valuable time. This would have a very positive affect in facilitating our local agency operations.
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SHARED SCHOOL SITE COUNCIL  First Time Waiver:  X
Renewal Waiver:  __

http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:  Send electronic copy in Word and
Waiver Office, California Department of Education  back-up material to: waiver@cde.ca.gov

1430 N Street, Suite 5602
Sacramento, CA 95814

CD CODE
3 7 1 0 3 7 1

Local educational agency:  Contact name and Title:  Contact person’s e-mail address:
San Diego County Office of Education Juvenile  Mary Glover, Executive Director  mglover@sdcoe.net
Court and Community Schools

Address:  (City)  (State)  (ZIP)  Phone (and extension, if necessary):  Fax number:
6401 Linda Vista Road  San Diego  CA  92119-7399  (858) 571-7240  (858) 279-0675

Period of request:  (month/day/year)  Local board approval date: (Required)
From:  July 1, 2011  To:  June 30, 2013  December 14, 2011

LEGAL CRITERIA

1. Authority for the waiver:  Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive:
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)

2. California Education Code or California Code of Regulations or portion to be waived.
EC 52852 Schoolsite councils for small schools sharing common services or attendance areas, administration and other characteristics.
Read SBE Waver Policy for Shared SSC’s: http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc
Wavers meeting these conditions go to SBE Consent Calendar.

3. If this is a renewal of a previously approved waiver, please list Waiver No:  X  and date of SBE approval
Renewals of waivers must be submitted two months before the active waiver expires.

Does the district have any employee bargaining units?  ___ No  X  Yes  If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):  September 28, 2011

Name of bargaining units and representative(s) consulted:  Association of Educators President, Peter McNamara and CSEA President, Mike Reese

The position(s) of the bargaining unit(s):  ___ Neutral  X  Support  ___ Oppose (Please specify why)

Comments (if appropriate):  Both Presidents, Peter McNamara and Mike Reese fully support the merging of North Region Court School and North Region Community Schools of Greater Escondido, Greater Oceanside, and Greater San Marcos.

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name:  JCCS Teacher Advisory:  Alex Long, Ben Herrera, Caren Novick, Clifton Davis, Jeffra Becknell, Julia Morris, Mark Leon, Mary Glover, Pete McNamara, Rochelle Lightner and Stacy Bermingham
Date advisory committee/council reviewed request:  September 27, 2011  X  Approve  ___ Neutral  ___ Oppose

Were there any objections?  Yes  ___ No  X  (If there were objections please specify)
6. California Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

   EC 52852 A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

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Please attach a brief description of the situation in your area: 1. The number of principals, students and teachers at each school 2. Do the schools have a common administration, curriculum, or other shared services? Explain. 3. Do the schools have a geographic proximity or similar student population? What is the distance?

Please see attached description/rationale for waiver request to combine North Region Court School, North Region Community Schools of Greater Escondido, North Region Community Schools of Greater Oceanside and North Region Community Schools of Greater San Marcos into one joint school site council.

8. Demographic Information:
   (District/school/program) North Region Court School has a student population of 4 teachers and 58 students, North Region Community Schools of Greater Escondido has 7 teachers and 120 students, North Region Community Schools of Greater Oceanside has 6 teachers and 146 students, North Region Community Schools of Greater San Marcos has 7 teachers and 146 students (most are on Independent Study), and are located in an urban (urban, rural, or small city etc.) city in San Diego County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) X No ___ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Coordinated Compliance Review finding on this issue? X No ___ Yes
(If yes, please attach explanation or copy of CCR finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

| Signature of Superintendent or Designee: | Title: Superintendent of Schools | Date: December 14, 2011 |
| Signature of SELPA Director (only if a Special Education Waiver) | | Date: |

N/A

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

| Staff Name (type or print): | Staff Signature: | Date: |
| Unit Manager (type or print): | Unit Manager Signature: | Date: |
| Division Director (type or print): | Division Director Signature: | Date: |
| Deputy (type or print): | Deputy Signature: | Date: |
The San Diego Juvenile Court and Community Schools are requesting a School Site Council Waiver for Small Schools to combine schools in the North Region of San Diego County under the following CDS Codes into one joint school site council named The North Region Joint School Site Council:

- The North Region Court – CDS Code 37-10371-0116038
- The North Region of Escondido – CDS Code 37-10371-0124693
- The North Region of Greater Oceanside – CDS Code 37-10371-0124701
- The North Region of Greater San Marcos – CDS Code 37-10371-0124719

Our rationale for making this request include the following:

1) the principal is the same person for all of the schools within this region,
2) the schools affected are small: each has less than 120 students,
3) the schools serve a similar Juvenile Court and Community Schools student population,
4) in all cases, the schools have geographic proximity; in many cases two or more schools are located on the same property, and
5) the total number of teaching staff at each school is less than ten.

In the Juvenile court and Community Schools, parent participation can be a difficult area to establish. Having a joint school site council would help to unify the schools and lessen the burden on individual school site councils. Many of the educational goals are parallel, and this would help with the sustainability of the school site council by having a joint council. The work would be the same for the council, with a Single Plan for Student Achievement (SPSA), School Accountability Report Card (SARC) and operating budget for each site. Due to the numbers and ratios required to create a compliant school site council, a joint council could serve the four schools very well.

Having a joint school site council would allow the process to be streamlined and save valuable time. This would have a very positive effect in facilitating our local agency operations.
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2012 AGENDA

General Waiver

SUBJECT
Request by two local educational agencies to waive California Code of Regulations, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow three educational interpreters to continue to provide services to students until June 30, 2012, under a remediation plan to complete those minimum qualifications.

Waiver Number: Kings County Office of Education 7-11-2011
Imperial County Office of Education 34-12-2011

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval of the waiver requests for these two interpreters, with the individual conditions noted in the attached spreadsheet.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In 2002, the State Board of Education (SBE) approved regulations that required educational interpreters to be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent, by January 1, 2007. As of July 1, 2009, they have been required to be certified by the national RID, or equivalent, or to have achieved a score of 4.0 on specified assessments.

SUMMARY OF KEY ISSUES

The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA 2004) requires that interpreters for pupils who are deaf or hard of hearing meet state-approved or state-recognized certification, licensing, registration, or other comparable requirements, as defined in Title 34 of the Code of Federal Regulations, Section 300.156(b)(1).

SUMMARY OF KEY ISSUES (Cont.)
To meet this federal requirement, the *California Code of Regulations*, Title 5 (5 CCR), Section 3051.16(b)(3) require the following:

By **July 1, 2009**, and thereafter, an educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of **4.0** or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter/Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of **4.0** or above on the EIPA – Cued Speech.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in the California Education Code (EC) 33051(a).** The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

In November 2009, the SBE approved a policy regarding educational interpreter waiver requests. That policy is on the CDE website at [http://www.cde.ca.gov/re/lr/wr/hottopics.asp#Educational](http://www.cde.ca.gov/re/lr/wr/hottopics.asp#Educational).

**Authority for Waiver:** EC Section 33050

**Period of request:** See individual waiver.

**Local board approval date(s):** See individual waiver.

**Public hearing held on date(s):** See individual waiver.

**Public hearing advertised by:** See individual waiver.

**Advisory committee(s) consulted:** See individual waiver.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval.
ATTACHMENT(S)

Attachment 1: An explanation of the scoring on each of the approved interpreter assessments (3 pages)

Attachment 2: List of Waiver Numbers, Districts, and Information Regarding Each Waiver (1 page)

Attachment 3: List of Waiver Conditions (1 page)

Attachment 4: Kings County Office of Education General Waiver Request (3 pages)
(Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Imperial County Office of Education General Waiver Request (4 pages)
(Original waiver request is signed and on file in Waiver Office.)
Educational Interpreter Waiver Requests

An explanation of the scoring on each of the above named assessments is as follows:

- The EIPA is administered by Boys Town National Research Hospital in Omaha, Nebraska. An interpreter who takes the EIPA receives a single composite score from 1-5.

- The ESSE is administered by the Signing Exact English (SEE) Center in Los Alamitos, California. An interpreter who takes the ESSE receives a score from 1-5 in expressive interpreting skills and a separate score from 1-5 in receptive skills. Expressive interpreting refers to the ability to listen to a spoken English message and interpret it in signed language. Receptive skill refers to the ability to understand a signed message, and translate it to spoken or written English. An interpreter who takes the ESSE must receive a score of 4 or above on both portions of the evaluation.

- The NAD/ACCI assessment was administered by the California Coalition of Agencies Serving the Deaf and Hard of Hearing. An interpreter who took the NAD/ACCI assessment received a single composite score from 1-5. Administration of the NAD/ACCI assessment was discontinued in 2004.

Following are descriptions of the levels of educational interpreting provided by Boys Town National Research Hospital, which administers the EIPA:

**Level 1: Beginner**

*Demonstrates very limited sign vocabulary with frequent errors in production. At times, production may be incomprehensible. Grammatical structure tends to be nonexistent. Individual is only able to communicate very simple ideas and demonstrates great difficulty comprehending signed communication. Sign production lacks prosody and use of space for the vast majority of the interpreted message.*

*An individual at this level is not recommended for classroom interpreting*

**Level 2: Advanced Beginner**

*Demonstrates only basic sign vocabulary and these limitations interfere with communication. Lack of fluency and sign production errors are typical and often interfere with communication. The interpreter often hesitates in signing, as if searching for vocabulary. Frequent errors in grammar are apparent, although basic signed sentences appear intact. More complex grammatical structures are typically difficult. Individual is able to read signs at the word level and simple sentence level but complete or complex sentences often require repetitions and repairs. Some use of prosody and space, but use is inconsistent and often incorrect.*
An individual at this level is not recommended for classroom interpreting.

**Level 3: Intermediate**

Demonstrates knowledge of basic vocabulary, but will lack vocabulary for more technical, complex, or academic topics. Individual is able to sign in a fairly fluent manner using some consistent prosody, but pacing is still slow with infrequent pauses for vocabulary or complex structures. Sign production may show some errors but generally will not interfere with communication. Grammatical production may still be incorrect, especially for complex structures, but is in general intact for routine and simple language. Comprehends signed messages but may need repetition and assistance. Voiced translation often lacks depth and subtleties of the original message. An individual at this level would be able to communicate very basic classroom content, but may incorrectly interpret complex information resulting in a message that is not always clear.

An interpreter at this level needs continued supervision and should be required to participate in continuing education in interpreting.

**Level 4: Advanced Intermediate**

Demonstrates broad use of vocabulary with sign production that is generally correct. Demonstrates good strategies for conveying information when a specific sign is not in her/his vocabulary. Grammatical constructions are generally clear and consistent, but complex information may still pose occasional problems. Prosody is good, with appropriate facial expression most of the time. May still have difficulty with the use of facial expression in complex sentences and adverbial non-manual markers. Fluency may deteriorate when rate or complexity of communication increases. Uses space consistently most of the time, but complex constructions or extended use of discourse cohesion may still pose problems. Comprehension of most signed messages at a normal rate is good but translation may lack some complexity of the original message.

An individual at this level would be able to convey much of the classroom content but may have difficulty with complex topics or rapid turn taking.

**Level 5: Advanced**

Demonstrates broad and fluent use of vocabulary, with a broad range of strategies for communicating new words and concepts. Sign production errors are minimal and never interfere with comprehension. Prosody is correct for grammatical, non-manual markers, and affective purposes. Complex grammatical constructions are typically not a problem. Comprehension of sign messages is very good, communicating all details of the original message.

An individual at this level is capable of clearly and accurately conveying the majority of
interactions within the classroom.

Another way of clarifying the meaning of the scores is as follows:

<table>
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<tr>
<th>Score</th>
<th>Rate of accuracy of interpretation</th>
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<tr>
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<tr>
<td>34-12-2011</td>
<td>Imperial COE</td>
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### March 2012 Educational Interpreter Conditions

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<tr>
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<th>LEA</th>
<th>Interpreter</th>
<th>Conditions</th>
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<tbody>
<tr>
<td>7-11-2011</td>
<td>Kings COE</td>
<td>Lisa Hernandez</td>
<td>1. The Kings COE must provide Ms. Hernandez with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter.</td>
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<td></td>
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<td>2. By June 2012, the Kings COE must provide CDE with new assessment scores for Ms. Hernandez. The scores must be from one of the assessments named in 5 CCR 3051.16.</td>
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<td>3. If Ms. Hernandez does not meet the qualification standard, she must show evidence of weekly participation in mentoring throughout the 2011-12 school year, and she must demonstrate growth in skills in order to request a waiver for the 2012-13 school year.</td>
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<tr>
<td>34-12-2011</td>
<td>Imperial COE</td>
<td>Alejandra Galaviz</td>
<td>1. The Imperial COE must provide Ms. Galaviz with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter.</td>
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<td>2. By June 2012, the Imperial COE must provide CDE with new assessment scores for Ms. Galaviz. The scores must be from one of the assessments named in 5 CCR 3051.16.</td>
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<td>3. If Ms. Galaviz does not meet the qualification standard, she must show evidence of weekly participation in mentoring throughout the 2011-12 school year, and she must demonstrate growth in skills in order to request a waiver for the 2012-13 school year.</td>
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CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST - EDUCATIONAL INTERPRETER

GW-1 (Rev. 1-8-10) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ____

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

Local educational agency: Kings County Office of Education
Contact name and Title: Susan L. Peterson
Human Resources Analyst
Contact person’s e-mail address: speterson@kings.k12.ca.us
Address: 1144 West Lacey Boulevard
(County) Hanford (State) CA (ZIP) 93230
Phone (and extension, if necessary): (559) 589-7081
Fax Number: (559) 589-7000

Period of request: From: 8/10/2011 To: 6/30/2012
Local board approval date: 9/7/2011
Date of public hearing: 9/7/2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section to be waived: 5 CCR 3051.16 (b)(3) Specialized Services for Low-Incidence Disabilities

2. If this is a renewal of a previously approved waiver, please list Waiver Number: and date of SBE Approval: Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 11-7-2011

   Name of bargaining unit and representative(s) consulted: California School Employees Association, Chapter 697, Kyle Anderson, President

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (Please specify why)

   Comments (if appropriate): Kings County Office of Education Educational Sign Language Interpreters are not in our

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X_ Notice in a newspaper _X_ Notice posted at each school ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   SELPA Advisory Committee

   Date the committee/council reviewed the waiver request: 9/15/2011

   Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived: (Strike-out below indicates the exact language being waived.)

**EC 3051.16. Specialized Services for Low-Incidence Disabilities.**

(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.

(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment. If providing Cued Language transliteration, a transliterator shall possess TECUnit certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.

7. Required Attachments:

1. Name, date and score of most recent (within 12 months)* interpreter assessment (EIPA, ESSE, or NAD/ACCI)
2. Copy of the latest Test Certification page
3. Name, dates and scores of previous assessments
4. Date of hire
5. A Remediation Plan, specific to that interpreter, including the LEA’s plans help the interpreter to achieve certification in the next year, including training/mentoring by a RID certified interpreter. The plan must include a statement that the interpreter understands (s)he might not be able to stay in their job is certification is not met, or a waiver granted. This document must be signed by the interpreter and the union representative as well as someone from administration.

8. **Demographic Information:**

Kings County Office of Education/Special Education Program has a student population of ___300____ and is located in a ___rural area___ in ___Kings____ County.

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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NAME: Lisa Hernandez

POSITION TITLE: Educational Sign Language Interpreter

Effective July 1, 2009, as required by California Code of Regulations, Sections 3051.16 and 3065, regulations specify the following qualification standards for educational interpreters:

By July 1, 2009, and thereafter, an educational interpreter shall be certified by the National RID; or in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ESSE, or the NAD assessment.

If an educational interpreter has not met the standard, the district may apply for a one year waiver on his/her behalf. Waiver requests would include this training plan. To receive a waiver, an interpreter would need to provide evidence to Human Resources that he/she is taking a class, going to trainings and/or taking one of the required assessments to prove that he/she is working toward the required certification.

I understand that I do not yet meet the qualification standards for educational interpreters.

To become a certificated educational interpreter, I must meet one of the following options:
(Check assessment you plan on taking.)

- Become certified by national RID or
- Score 4.0 or above on one of the following assessments:
  - EIPA
  - ESSE
  - NAD

Actions I will take to complete the above requirements:
(Describe your plan)

- Take test preparation workshop on:
  Date: Took a fingerspelling workshop in 2010 and will take workshops as available; B.A. Degree in Communicative Disorders and Deaf Studies.
- Take on-line opportunities for Interpreter Training:
  Date: OICMOVIES.COM On-line vinyete of news for the deaf culture to develop signing skills
- Meet with a mentor on a regular basis:
  Patricia Thron Mentor/Teacher
- Use/work with resources offered at the Kings County Office of Education
- Take the EIPA on November 13, 2011 assessment on:
  Date:

I further understand that my assigned teacher/mentor and I will discuss my Training Plan regularly to ensure that I am actively working toward the required interpreter certification. By signing below, I understand that I may not be able to continue to be employed by the Kings County Office of Education as an Educational Sign Language Interpreter if I do not meet the required certification level or if a Waiver is not granted by the California Department of Education.

Educational Sign Language Interpreter Date

Administrator Signature Date

Copies to: Employee
Employee’s Supervisor
Mentor/Teacher
Human Resources Department
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST - EDUCATIONAL INTERPRETER

GW-1 (Rev. 1-8-10)  http://www.cde.ca.gov/re/lr/wr/

34-12-2011  Attachment 6
Page 1 of 4

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

CD CODE
1  3  1  0  3  2

Local educational agency:  Contact name and Title:
Imperial County Office of Education Deborah E. Montoya
Sr. Director, Special Education

Contact person’s e-mail address:
dmontoya@icoe.org

Address:  Phone (and extension, if necessary):
1398 Sperber Rd.  760-312-6428
El Centro                CA
(City)  (State)  (ZIP)
92243

Fax Number: 760-312-6530

Period of request:  Local board approval date: (Required)
From: 11/7/2011  To: 6/30/2012  December 12, 2011

Date of public hearing: (Required)
December 12, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section to be waived: 5 CCR 3051.16 (b)(3) Specialized Services for Low-Incidence Disabilities

Topic of the waiver: Educational Interpreter not Meeting State and Federal Qualifications
Name of Interpreter: Alejandra Galaviz

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 1st waiver request and date of SBE Approval N/A Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X__ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): November 3 & 4, 2011

Name of bargaining unit and representative(s) consulted: Ruby Tagaban, President of the California School Employees Association, Chapter 614

The position(s) of the bargaining unit(s): __ Neutral _X__ Support __ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

_X_ Notice in a newspaper  ____ Notice posted at each school  ____ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

School Site Council
Date the committee/council reviewed the waiver request: November 10, 2011

Were there any objection(s)? No _X__ Yes ___ (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived: *(Strike-out below indicates the exact language being waived.)*

**EC 3051.16. Specialized Services for Low-Incidence Disabilities.**

(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.

(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a **score of 4.0 or above** on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment. If providing Cued Language transliteration, a transliterator shall possess TECUnit certification, or have achieved a **score of 4.0 or above** on the EIPA - Cued Speech.

7. Required Attachments:

1. Name, date and score of most recent (within 12 months)* interpreter assessment (EIPA, ESSE, or NAD/ACCI): EIPA Pre-Hire Screening Report

2. Date of hire: November 7, 2011

3. A Remediation Plan, specific to that interpreter, including the LEA’s plans help the interpreter achieve certification in the next year, including training/mentoring by a RID certified interpreter. The plan must include a statement that the interpreter understands he/she might not be able to stay in their job if certification is not met, or a waiver granted. This document must be signed by the interpreter and the union representative as well as someone from administration.

8. Demographic Information:

Imperial County Office of Education has a student population of **512** and is located in a _rural area_ in Imperial County.

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

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<th>Signature of Superintendent or Designee:</th>
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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Imperial County Office of Education

November 3, 2011

TO: Alejandra Galaviz, candidate for Educational Sign Language Interpreter position
FROM: Deborah E. Montoya, Senior Director, Special Education


Dear Ms. Galaviz,

In accordance with: Title 5. EDUCATION regulation section 3051.16 (b)(3), “By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment…”. Therefore, this letter is to inform you that the ICOE will be submitting a waiver request in relation to this aforementioned Title 5 Education Code on your behalf. A state requirement of the waiver request is that a Remediation Plan be developed and included with the waiver request. A waiver, if granted, would allow you to work as an Educational Sign Language Interpreter for the 2011-2012 school year. You are eligible to be hired by ICOE due to your Pre-hire Screening results (“hire with caution”). A 4.0 score on an acceptable sign language assessment is the state requirement, as stated above in the Title 5 Education Code, thus all Educational Sign Language Interpreters employed in the K-12 public school system must meet this requirement.

Although you do not have current scores on any of the aforementioned assessments, we do have your last recorded scores from the ESSE taken on December 05, 2006 where you obtained a score of: 2.8. Therefore the Remediation Plan below will be followed by you to assist you in meeting qualification requirements of an Educational Sign Language Interpreter.

Remediation Plan:

- As soon as possible, the Imperial County Office of Education (ICOE) must provide CDE with your assessment scores (ESSE or EIPA); therefore, you are required to take the ESSE or EIPA exam before the end of the 2011-2012 school year. The ESSE exam is scheduled on November 19, 2011 in Irvine, CA, and you are required to attend and take the exam on the scheduled date. The Special Education Department will assist you with making the arrangements.

- You are required to take advantage of the opportunities and resources available from ICOE to maximize your assessment score. Proof of participation in these opportunities will strengthen the waiver application request when CDE determines whether to grant or deny your waiver. Opportunities are listed below.

The ICOE is offering opportunities to support you in the above remediation plan and to help you meet your goal of 4.0 test score on the ESSE or EIPA. ICOE is offering the following opportunities for professional growth:

- EIPA Workshops (November 12, 2011; January 14, 2012; March 24, 2012 & April 14, 2012)
- Reimbursement for unit cost of Cypress College coursework (provided through video conferencing)
- Access to DVD library
- Reimbursement for one EIPA or ESSE assessment during 2011-2012 school year
- Access to newly purchased sign language vocabulary books with previously non-accessible vocabulary
- Encouragement of all interpreters to meet regularly with colleagues to work on developing their Sign language skills; ICOE to provide location

The ICOE expects your full cooperation in this remediation plan. A Waiver Request for the 2011-2012 school year will be submitted for the California State Board of Education’s review during the March 09 and 10 CDE Board of Education meeting. Your continued employment for the 2011-2012 school year will be contingent upon CDE Board of Education approval. There is no guarantee that the CDE will grant a waiver when requested.

Should you have any questions and/or concerns please contact Deborah Montoya at (760) 312-6428. Thank you in advance for your attention and cooperation in this matter. We look forward to your successful obtainment of a passing score on the ESSE or EIPA in the near future.

_________________________           ___________________________          _________________________
CSEA Chapter 614 President               ICOE Program Administrator                   Employee- Alejandra Galaviz
Imperial County Office of Education

November 4, 2011

TO: Alejandra Galaviz, candidate for Educational Sign Language Interpreter position

FROM: Deborah E. Montoya, Senior Director, Special Education


Dear Ms. Galaviz,

In accordance with: Title 5. EDUCATION regulation section 3051.16 (b)(3), “By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment…” Therefore, this letter is to inform you that the ICOE will be submitting a waiver request in relation to this aforementioned Title 5 Education Code on your behalf. A state requirement of the waiver request is that a Remediation Plan be developed and included with the waiver request. A waiver, if granted, would allow you to work as an Educational Sign Language Interpreter for the 2011-2012 school year. You are eligible to be hired by ICOE due to your Pre-hire Screening results (“hire with caution”). A 4.0 score on an acceptable sign language assessment is the state requirement, as stated above in the Title 5 Education Code, thus all Educational Sign Language Interpreters employed in the K-12 public school system must meet this requirement.

Although you do not have current scores on any of the aforementioned assessments, we do have your last recorded scores from the ESSE taken on December 05, 2006 where you obtained a score of: 2.8. On November 4, 2011 we received copies of your most recent scores from EIPA re-taken on May 5, 2007 where you obtained a score of: 3.3 and updated ESSE scores from November 2007 where you obtained a 3.0 overall rating in expressive skills & a 3.5 receptive skill rating in ASL. Therefore the Remediation Plan below will be followed by you to assist you in meeting qualification requirements of an Educational Sign Language Interpreter.

Remediation Plan:

- As soon as possible, the Imperial County Office of Education (ICOE) must provide CDE with your assessment scores (ESSE or EIPA); therefore, you are required to take the ESSE or EIPA exam before the end of the 2011-2012 school year. The ESSE exam is scheduled on November 19, 2011 in Irvine, CA, and you are required to attend and take the exam on the scheduled date. The Special Education Department will assist you with making the arrangements.

- You are required to take advantage of the opportunities and resources available from ICOE to maximize your assessment score. Proof of participation in these opportunities will strengthen the waiver application request when CDE determines whether to grant or deny your waiver. Opportunities are listed below.

The ICOE is offering opportunities to support you in the above remediation plan and to help you meet your goal of 4.0 test score on the ESSE or EIPA. ICOE is offering the following opportunities for professional growth:

- EIPA Workshops (November 12, 2011; January 14, 2012; March 24, 2012 & April 14, 2012)
- Reimbursement for unit cost of Cypress College coursework (provided through video conferencing)
- Access to DVD library
- Reimbursement for one EIPA or ESSE assessment during 2011-2012 school year
- Access to newly purchased sign language vocabulary books with previously non-accessible vocabulary
- Encouragement of all interpreters to meet regularly with colleagues to work on developing their Sign language skills; ICOE to provide location

The ICOE expects your full cooperation in this remediation plan. A Waiver Request for the 2011-2012 school year will be submitted for the California State Board of Education’s review during the March 09 and 10 CDE Board of Education meeting. Your continued employment for the 2011-2012 school year will be contingent upon CDE Board of Education approval. There is no guarantee that the CDE will grant a waiver when requested.

Should you have any questions and/or concerns please contact Deborah Montoya at (760) 312-6428. Thank you in advance for your attention and cooperation in this matter. We look forward to your successful obtainment of a passing score on the ESSE or EIPA in the near future.

CSEA Chapter 614 President ___________________ ICOE Program Administrator ___________________ Employee- Alejandra Galaviz ___________________
California Department of Education
Executive Office
SBE-005 General (REV. 08/2011)

ITEM #W-22

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2012 AGENDA

General Waiver

SUBJECT

Request by Kings County Office of Education to waive California Code of Regulations, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Amanda Edmondson to continue to provide services to students until June 30, 2012, under a remediation plan to complete those minimum qualifications.

Waiver Number: 9-11-2011

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☒ Denial

The California Department of Education (CDE) recommends denial of the waiver for Amanda Edmondson, pursuant to California Education Code (EC) 33051 (a)(1). The educational needs of the pupils are not adequately addressed.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In 2002, the State Board of Education (SBE) approved regulations that required educational interpreters to be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent, by January 1, 2007. As of July 1, 2009, they have been required to be certified by the national RID, or equivalent, or to have achieved a score of 4.0 on specified assessments.

SUMMARY OF KEY ISSUES

The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA 2004) requires that interpreters for pupils who are deaf or hard of hearing meet state-approved or state-recognized certification, licensing, registration, or other comparable requirements, as defined in Title 34 of the Code of Federal Regulations, Section 300.156(b)(1).
SUMMARY OF KEY ISSUES (Cont.)

To meet this federal requirement, *California Code of Regulations*, Title 5 (5 CCR), Section 3051.16(b)(3) require the following: By **July 1, 2009**, and thereafter, an educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of **4.0** or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter/Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of **4.0** or above on the EIPA – Cued Speech.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in **EC 33051(a)**. The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

In November 2009, the SBE approved a policy regarding educational interpreter waiver requests. That policy is on the CDE website at [http://www.cde.ca.gov/re/lr/wr/hottopics.asp#Educational](http://www.cde.ca.gov/re/lr/wr/hottopics.asp#Educational).

**Authority for Waiver:** **EC Section 33050**

**Period of request:** See individual waiver.

**Local board approval date(s):** See individual waiver.

**Public hearing held on date(s):** See individual waiver.

**Public hearing advertised by:** See individual waiver.

**Advisory committee(s) consulted:** See individual waiver.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval.
ATTACHMENT(S)

Attachment 1: An explanation of the scoring on each of the approved interpreter assessments (3 pages)

Attachment 2: List of Waiver Numbers, Districts, and Information Regarding Each Waiver (1 page)

Attachment 3: Kings County Office of Education General Waiver Request (3 pages)
(Original waiver request is signed and on file in the Waiver Office.)
Educational Interpreter Waiver Requests

An explanation of the scoring on each of the above named assessments is as follows:

- The EIPA is administered by Boys Town National Research Hospital in Omaha, Nebraska. An interpreter who takes the EIPA receives a single composite score from 1-5.

- The ESSE is administered by the Signing Exact English (SEE) Center in Los Alamitos, California. An interpreter who takes the ESSE receives a score from 1-5 in expressive interpreting skills and a separate score from 1-5 in receptive skills. Expressive interpreting refers to the ability to listen to a spoken English message and interpret it in signed language. Receptive skill refers to the ability to understand a signed message, and translate it to spoken or written English. An interpreter who takes the ESSE must receive a score of 4 or above on both portions of the evaluation.

- The NAD/ACCI assessment was administered by the California Coalition of Agencies Serving the Deaf and Hard of Hearing. An interpreter who took the NAD/ACCI assessment received a single composite score from 1-5. Administration of the NAD/ACCI assessment was discontinued in 2004.

Following are descriptions of the levels of educational interpreting provided by Boys Town National Research Hospital, which administers the EIPA:

**Level 1: Beginner**

*Demonstrates very limited sign vocabulary with frequent errors in production. At times, production may be incomprehensible. Grammatical structure tends to be nonexistent. Individual is only able to communicate very simple ideas and demonstrates great difficulty comprehending signed communication. Sign production lacks prosody and use of space for the vast majority of the interpreted message.*

*An individual at this level is not recommended for classroom interpreting*

**Level 2: Advanced Beginner**

*Demonstrates only basic sign vocabulary and these limitations interfere with communication. Lack of fluency and sign production errors are typical and often interfere with communication. The interpreter often hesitates in signing, as if searching for vocabulary. Frequent errors in grammar are apparent, although basic signed sentences appear intact. More complex grammatical structures are typically difficult. Individual is able to read signs at the word level and simple sentence level but complete or complex sentences often require repetitions and repairs. Some use of prosody and space, but use is inconsistent and often incorrect.*
An individual at this level is not recommended for classroom interpreting.

**Level 3: Intermediate**

Demonstrates knowledge of basic vocabulary, but will lack vocabulary for more technical, complex, or academic topics. Individual is able to sign in a fairly fluent manner using some consistent prosody, but pacing is still slow with infrequent pauses for vocabulary or complex structures. Sign production may show some errors but generally will not interfere with communication. Grammatical production may still be incorrect, especially for complex structures, but is in general intact for routine and simple language. Comprehends signed messages but may need repetition and assistance. Voiced translation often lacks depth and subtleties of the original message. An individual at this level would be able to communicate very basic classroom content, but may incorrectly interpret complex information resulting in a message that is not always clear.

An interpreter at this level needs continued supervision and should be required to participate in continuing education in interpreting.

**Level 4: Advanced Intermediate**

Demonstrates broad use of vocabulary with sign production that is generally correct. Demonstrates good strategies for conveying information when a specific sign is not in her/his vocabulary. Grammatical constructions are generally clear and consistent, but complex information may still pose occasional problems. Prosody is good, with appropriate facial expression most of the time. May still have difficulty with the use of facial expression in complex sentences and adverbial non-manual markers. Fluency may deteriorate when rate or complexity of communication increases. Uses space consistently most of the time, but complex constructions or extended use of discourse cohesion may still pose problems. Comprehension of most signed messages at a normal rate is good but translation may lack some complexity of the original message.

An individual at this level would be able to convey much of the classroom content but may have difficulty with complex topics or rapid turn taking.

**Level 5: Advanced**

Demonstrates broad and fluent use of vocabulary, with a broad range of strategies for communicating new words and concepts. Sign production errors are minimal and never interfere with comprehension. Prosody is correct for grammatical, non-manual markers, and affective purposes. Complex grammatical constructions are typically not a problem. Comprehension of sign messages is very good, communicating all details of the original message.

An individual at this level is capable of clearly and accurately conveying the majority of
interactions within the classroom.

Another way of clarifying the meaning of the scores is as follows:

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Prepared by the California Department of Education
Revised: 2/27/2012 2:03 PM
CALIFORNIA DEPARTMENT OF EDUCATION  
GENERAL WAIVER REQUEST - EDUCATIONAL INTERPRETER  
GW-1 (Rev. 1-8-10)  
http://www.cde.ca.gov/re/lr/wr/  

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</tr>
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</table>

First Time Waiver: _X__  
Renewal Waiver: ____  

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814  

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov  

Local educational agency:  
Kings County Office of Education  

Contact name and Title:  
Susan L. Peterson  
Human Resources Analyst  

Contact person’s e-mail address:  
speterson@kings.k12.ca.us  

Address:  
1144 West Lacey Boulevard  
Hanford  
CA 93230  

Phone (and extension, if necessary):  
(559) 589-7081  
Fax Number: (559) 589-7000  

Period of request: (month/day/year)  
From: 8/10/2011  
To: 6/30/2012  

Local board approval date: (Required)  
9/7/2011  

Date of public hearing: (Required)  
9/7/2011  

LEGAL CRITERIA  

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section to be waived: 5 CCR 3051.16 (b)(3) Specialized Services for Low-Incidence Disabilities  
Topic of the waiver: Educational Interpreter not Meeting State and Federal Qualifications  
Name of Interpreter: Amanda Edmondson  

2. If this is a renewal of a previously approved waiver, please list Waiver Number: ____  
and date of SBE Approval______  
Renewals of waivers must be submitted two months before the active waiver expires.  

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes  
If yes, please complete required information below:  
Bargaining unit(s) consulted on date(s): November 17, 2011  
Name of bargaining unit and representative(s) consulted: California School Employees Association, Chapter 697, Kyle Anderson, President  
The position(s) of the bargaining unit(s): __ Neutral  
__ Support  __ Oppose (Please specify why)  
Comments (if appropriate): Kings County Office of Education Educational Sign Language Interpreters are not in our  

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  
How was the required public hearing advertised?  
_X_ Notice in a newspaper  
_X_ Notice posted at each school  
___ Other: (Please specify)  

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
SELPA Advisory Committee  
Date the committee/council reviewed the waiver request:  
9/15/2011  
Were there any objection(s)? No _X_ Yes  
(If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived: *(Strike-out below indicates the exact language being waived.)*

**EC 3051.16. Specialized Services for Low-Incidence Disabilities.**
(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.
(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent, in lieu of RID certification or equivalent, an educational interpreter must have achieved a **score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment.** If providing Cued Language transliteration, a transliterator shall possess **TECUnit certification, or have achieved a score of 4.0 or above on the EIPA – Cued Speech.**

7. Required Attachments:
   1. Name, date and score of most recent (within 12 months)* interpreter assessment (EIPA, ESSE, or NAD/ACCI)
   2. Copy of the latest Test Certification page
   3. Name, dates and scores of previous assessments
   4. Date of hire
   5. A Remediation Plan, specific to that interpreter, including the LEA’s plans help the interpreter to achieve certification in the next year, including training/mentoring by a RID certified interpreter. The plan must include a statement that the interpreter understands (s)he might not be able to stay in their job is certification is not met, or a waiver granted. This document must be signed by the interpreter and the union representative as well as someone from administration.

8. Demographic Information:
   Kings County Office of Education/Special Education Program has a student population of __300____ and is located in a __rural area__ in __Kings______ County.

   **District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

   Signature of Superintendent or Designee: ___________________________
   Title: Assistant Superintendent, Human Resources
   Date: ___________________________

   FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

   Staff Name (type or print): ___________________________
   Staff Signature: ___________________________
   Date: ___________________________

   Unit Manager (type or print): ___________________________
   Unit Manager Signature: ___________________________
   Date: ___________________________

   Division Director (type or print): ___________________________
   Division Director Signature: ___________________________
   Date: ___________________________

   Deputy (type or print): ___________________________
   Deputy Signature: ___________________________
   Date: ___________________________
NAME:    Amanda Edmondson

POSITION TITLE:    Educational Sign Language Interpreter

Effective July 1, 2009, as required by California Code of Regulations, Sections 3051.16 and 3065, regulations specify the following qualification standards for educational interpreters:

By July 1, 2009, and thereafter, an educational interpreter shall be certified by the National RID; or in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ESSE, or the NAD assessment.

If an educational interpreter has not met the standard, the district may apply for a one year waiver on his/her behalf. Waiver requests would include this training plan. To receive a waiver, an interpreter would need to provide evidence to Human Resources that he/she is taking a class, going to trainings and/or taking one of the required assessments to prove that he/she is working toward the required certification.

I understand that I do not yet meet the qualification standards for educational interpreters.

To become a certificated educational interpreter, I must meet one of the following options:

(Check assessment you plan on taking.)

☐ Become certified by national RID or

Score 4.0 or above on one of the following assessments:

☒ EIPA
☐ ESSE
☐ NAD

Actions I will take to complete the above requirements:

(Describe your plan)

☒ Take test preparation workshop on:
   Date:    January 15, 2011 through EIPA; attended a workshop sponsored by DHHSC through CCRID; plan to attend a seminar sponsored by the Deaf and Hard of Hearing Service Center in Fresno on 11/5/11

☒ Take on-line opportunities for Interpreter Training:
   Date:    Webinar scheduled for October 15, 2011 through Deaf Action Center

☒ Meet with a mentor on a regular basis:
   Patricia Thron    Mentor/Teacher

☒ Use/work with resources offered at the Kings County Office of Education

☒ Take the EIPA assessment on:
   Date:    October 8, 2011

I further understand that my assigned teacher/mentor and I will discuss my Training Plan regularly to ensure that I am actively working toward the required interpreter certification. I understand that I may not be able to continue to be employed by the Kings County Office of Education as an Educational Sign Language Interpreter if I do not meet the required certification level or if a Waiver is not granted by the California Department of Education.

Educational Sign Language Interpreter    Date

Administrator Signature    Date

Copies to:    Employee
Employee’s Supervisor
Mentor/Teacher
Human Resources Department
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2012 AGENDA

★ General Waiver

SUBJECT
Request by Westminster School District to waive California Education Code Section 44663(b) evaluation dates of June 30 and July 30 for non-instructional certificated employees so that Standardized Testing and Reporting test results for the year may be included in the evaluation criteria for those management employees.

Waiver Number: 63-12-2011

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☒ Denial

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the education need of pupils and pupil or school personnel protections are jeopardized within the meaning of Education Code (EC) Section 33051(a)(1) and (4).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In May 2011 the SBE approved a similar waiver for Lincoln Unified School District with the following condition that the STAR data will not be used by the district as a basis for any adverse personnel actions. In February 2008 the State Board of Education (SBE) has previously approved waivers of this type for San Gabriel Unified School District and Castaic Union Elementary School District.

This district meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle. Westminster School District has a 2011 API of 821.

SUMMARY OF KEY ISSUES

Governing boards of each school district are charged with establishing and defining job responsibilities for certificated non-instructional employees (e.g., principals) and to evaluate and assess the performance of those non-instructional certificated employees as it reasonably relates to the fulfillment of those responsibilities EC 44662(c).

Westminster Elementary School District seeks to move the non-instructional certificated employee evaluation dates from June 30 and July 30 to an unspecified date sometime
after Standardized Testing and Reporting test results are made public, but before October 30. The district wishes to use this information in the evaluations of non-instructional certificated employees.

The local teacher bargaining group, which does not represent the certificated non-instructional employees, is neutral to this request.

The use of STAR data to be included in an employee evaluation could jeopardize the educational needs of the pupils and limit the school personnel protections, if that evaluation contributed to the employee’s dismissal.

Currently, STAR data is not available until mid to late summer, and can often be delayed until after the school year has begun. It is not in the best interest of students to allow this type of determination to be made so late in the planning process. Postponing the evaluation process until STAR data is available could result in the dismissal of a non-instructional certificated employee after the start of a school year impeding the education process of the students. Clearly, postponing such decisions until late summer or early fall is not in the best interest of students.

It is the intent of the legislature in EC 60602(a) that STAR’s “…primary purpose of assisting teachers, administrators, pupils, and their parents, to improve teaching and learning” and in EC 60602(a)(6) that STAR “Assess pupils for a broad range of academic skills…” As developed, the California Standards Tests (CSTs) were designed to ensure that teachers were teaching all of the state standards. They were not designed to measure individual student mastery of the standards over time (the tests are not linked from grade to grade). At this point in time, the use of STAR data to be included in personnel evaluations would be premature, as the standardized tests are not designed for that purpose.

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). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Demographic Information: The Westminster School District has a student population of 9,656 students K-8 and is located in an urban area in Orange County.
Authority for Waiver: EC Section 33050

Period of request: May 15, 2012, to October 30, 2013

Local board approval date(s): December 8, 2011

Public hearing held on date(s): December 8, 2011

Bargaining unit(s) consulted on date(s): California School Employees Association (CSEA) Chapter 34 on November 18, 2011, Westminster Teachers Association (WTA) on November 22, 2011.

Name of bargaining unit/representative(s) consulted: Jackie Jenkins, President, CSEA, and Kevin Whitney, President, WTA

Position of bargaining unit(s) (choose only one):
☒ Neutral ☐ Support ☐ Oppose:

Comments (if appropriate):

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☒ posting at each school ☒ other (district website)

Advisory committee(s) consulted: Evaluation Advisory – Development Committee

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: September 22, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of this waiver denial.

ATTACHMENT(S)

Attachment 1: General Waiver Request (3 pages). (Original Waiver Request is on file and available for viewing in the Waiver Office).
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  X  
Renewal Waiver:  

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and 
back-up material to: waiver@cde.ca.gov

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Local educational agency:  
Westminster School District

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Contact name and Title:  
Christine Fullerton, Assistant Superintendent Human Resources

Contact person’s e-mail address:  
cfullerton@wsd.k12.ca.us

Phone (and extension, if necessary):  
714-894-7311 ext 1160

Fax Number:  
714-893-6472

Period of request:  (month/day/year) 
From:  May 15, 2012  To: October 30, 2013

Local board approval date:  (Required)  
December 8, 2011

Date of public hearing:  (Required)  
December 8, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  
Education Code 44663 & 44664  
Circle One:  EC  or  CCR

Topic of the waiver:  Certificated employee evaluation timeline as it pertains specifically to certificated administrators

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  
and date of SBE Approval:  
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  
No  X  Yes  
If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):  
(CSEA) California School Employees Association Chapter 34 on 11/18/11 &  
(WTA) Westminster Teachers Association on 11/22/11

Name of bargaining unit and representative(s) consulted:  
Jackie Jenkins, President, CSEA Chapter 34 &  
Kevin Whitney, President, WTA

The position(s) of the bargaining unit(s):  
X  Neutral  __ Support  __ Oppose (Please specify why)

4. Public hearing requirement:  
A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include:  
1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or  
2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?  
X  Notice in a newspaper  X  Notice posted at each school  X  Other:  (Please specify)  
District Website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
Evaluation Advisory – Development Committee

Date the committee/council reviewed the waiver request:  September 22, 2011

Were there any objection(s)?  
No  X  Yes  
(If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

Please see attached Education Code 44663 & 44664 to be waived.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The Education Code cited above delineates the specific timeline for written evaluation and assessment of certificated non-instructional employees. The timeline requires all evaluations be completed for principals and assistant principals 30 days before the last day of school which is June 15, 2012 for the 2011-12 school year. Additionally, the timeline requires evaluations of twelve month certificated non-instructional employees be completed by June 30, 2012. The District is requesting that written evaluation and assessment for all non-instructional certificated employees be completed no later than October 30th for the previous year’s performance.

A committee was formed in the spring for the purpose of reviewing the District’s current principal and administrator evaluation instrument and making changes in order to align it more closely with current job expectations and accountability measures. In the course of their work the committee concluded that a timeline modification, with a final written evaluation due no later than October 30th would be beneficial in two ways. It would tie one year to the next by combining the evaluation and assessment of the prior year’s performance with goal setting for the current year. Also, in order to link the evaluation to student performance results, the data must be available and analyzed. The current timeline for receiving District and school STAR data, including State accountability reports is late August to early September.

8. Demographic Information:

The Westminster School District has a student population of 9656 students K-8 and is located in an urban area in Orange County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**  No ☒ Yes ☐

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: ____________________________

Title: ____________________________

Date: ____________________________

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print): ____________________________

Staff Signature: ____________________________

Date: ____________________________

Unit Manager (type or print): ____________________________

Unit Manager Signature: ____________________________

Date: ____________________________

Division Director (type or print): ____________________________

Division Director Signature: ____________________________

Date: ____________________________

Deputy (type or print): ____________________________

Deputy Signature: ____________________________

Date: ____________________________
§44663. Written evaluation and assessment of certificated employees and certificated non-instructional employees; copy to employee; written reaction; discussion of evaluation and assessment

(a) Evaluation and assessment made pursuant to this article shall be reduced to writing and a copy thereof shall be transmitted to the certificated employee. not later than 30 days before the last school day scheduled on the school calendar adopted by the governing board for the school year in which the evaluation takes place. The certificated employee shall have the right to initiate a written reaction or response to the evaluation. This response shall become a permanent attachment to the employee's personnel file. Before the last school day scheduled on the school calendar adopted by the governing board for the school year, A meeting shall be held between the certificated employee and the evaluator to discuss the evaluation.

(b) In the case of a certificated noninstructional employee, who is employed on a 12-month basis, the evaluation and assessment made pursuant to this article shall be reduced to writing and a copy thereof shall be transmitted to the certificated employee no later than June 30 of the year in which the evaluation and assessment is made. A certificated noninstructional employee, who is employed on a 12-month basis shall have the right to initiate a written reaction or response to the evaluation. This response shall become a permanent attachment to the employee's personnel file. Before July 30 of the year in which the evaluation and assessment takes place, A meeting shall be held between the certificated employee and the evaluator to discuss the evaluation and assessment. (Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1983, c. 498, § 30, eff. July 28, 1983; Stats.1986, c. 393, §1.)

§44664. Frequency; areas of employment; unsatisfactory performance; exclusion

(a) Evaluation and assessment of the performance of each certificated employee shall be made on a continuing basis, at least once each school year for probationary personnel, and at least every other year for personnel with permanent status. The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. In the event an employee is not performing his or her duties in a satisfactory manner according to the standards prescribed by the governing board, the employing authority shall notify the employee in writing of such fact and describe such unsatisfactory performance. The employing authority shall thereafter confer with the employee making specific recommendations as to areas of improvement in the employee's performance and endeavor to assist the employee in such performance. When any permanent certificated employee has received an unsatisfactory evaluation, the employing authority shall annually evaluate the employee until the employee achieves a positive evaluation or is separated from the District.

(b) Any evaluation performed pursuant to this article which contains an unsatisfactory rating of an employee's performance in the area of teaching methods or instruction may include the requirement that the certificated employee shall, as determined necessary by the employing authority, participate in a program designed to improve appropriate areas of the employee's performance and to further pupil achievement and the instructional objectives of the employing authority.

(c) Hourly and temporary hourly certificated employees, other than those employed in adult education classes who are excluded by the provisions of Section 44660, and substitute teachers may be excluded from the provisions of this section at the discretion of the governing board. (Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1983, c. 498, § 31, eff. July 28, 1983.)
California Department of Education  
Executive Office  
SBE-005 General (REV. 08/2011)

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2012 AGENDA

☐ General Waiver

SUBJECT

Request by Stockton Unified School District to waive a portion of California Code of Regulations, Title 5, Section 1032(d)(5) and Education Code 52052(f)(2)(E); the 85 percent requirement of test takers for the California Standards Test in Life Science in grade ten to allow Stockton Unified Early College Academy to be given a valid Growth Academic Performance Index for 2010–11.

Waiver Number: 59-10-2011

☐ Action  ☐ Consent

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☒ Denial

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils within the meaning of Education Code (EC) Section 33051(a)(1).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California Code of Regulations, Title 5 (5 CCR) regulation that the Stockton Unified School District (USD) is asking to waive was specifically adopted by the State Board of Education (SBE) to protect the educational needs of the pupils. In 2001, the SBE approved 5 CCR Section 1032(d)(5):

In 2001 and subsequent years, a school's Academic Performance Index shall be considered invalid under any of the following circumstances:

(5) In any content area tested pursuant to EC sections 60642 and 60642.5 and included in the Academic Performance Index, the school's proportion of the number of test-takers in that content area compared with the total number of test-takers is less than 85 percent. There shall be no rounding in determining the proportion of test-takers in each content area (e.g., 84.99 percent is not 85 percent).

SUMMARY OF KEY ISSUES
The Public Schools Accountability Act (PSAA) was based on educational needs of students, particularly that of improving student achievement. Increases or decreases in student achievement at a school are measured through the Academic Performance Index (API). The 5 CCR that the Stockton USD is asking to waive was specifically adopted by the SBE to protect the educational needs of the pupils by ensuring the validity of the API. This regulation requires that the CDE invalidate a school’s API if the percent of test-takers in any content area is less than 85 percent of the school’s total test-takers. In this instance, the SBE adopted this regulation to ensure that the API would be a valid measure of student achievement by specifying a minimum level of test participation in each assessment used to calculate an API.

The Stockton USD asserts that because all grade ten students took an end-of-course science test in Chemistry, the schoolsite overlooked the need to also have these students take the Grade 10 Life Sciences test, which is a separate test.

Stockton Unified Early College Academy (39-68676-0119743) had a total of 112 students in grade ten on the first day of testing. Of these, 105 students met the inclusion rules for the API calculation. This excludes students not continuously enrolled in the district and English learners who have been in the country less than one year. Of the 105 students, seven students took the Life Sciences test. This resulted in a participation rate of 6.66 percent. Since this is less than 85 percent, Stockton Early College Academy did not meet the required participation rate.

The CDE recommends denial of the waiver based on EC Section 3305(a)(1): the educational needs of the pupils are not adequately addressed.

**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).** The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

**Demographic Information:** Stockton Early College Academy has a student population of 244 and is located in an urban portion of San Joaquin County.

**Authority for Waiver:** EC Section 33051(a)(1)

**Period of request:** July 1, 2010 to June 30, 2011

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**SUMMARY OF KEY ISSUES (Cont.)**
Local board approval date(s): October 25, 2011

Public hearing held on date(s): October 25, 2011

Bargaining unit(s) consulted on date(s): October 5, 2011 and October 6, 2011

Name of bargaining unit/representative(s) consulted:
Claudia Moreno, President of California School Employees Association
Ellen Old, President of Stockton Teachers Association

Position of bargaining unit(s) (choose only one):
☐ Neutral ☑ Support ☐ Oppose:

Comments (if appropriate): Both unions support position

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☑ posting at each school ☑ Web site, post office, library, or board agenda

Advisory committee(s) consulted:
Stockton Early College Academy Board of Governors

Objections raised (choose one): ☑ None ☐ Objections are as follows:

Date(s) consulted: October 8, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver denial.

ATTACHMENT(S)

Attachment 1: Local Educational Agency Requesting to Waive the 85 Percent Participation Rate Requirement – March 2012 (1 Page)

Attachment 2: General Waiver Request – Stockton Unified School District (3 pages) (Original waiver request is signed and on file at the SBE Office or the Waiver Office.)
Local Educational Agency Requesting to Waive the 85 Percent Participation Rate Requirement – March 2012

In 2001 and subsequent years, a school’s Academic Performance Index shall be considered invalid under any of the following circumstances:

(6) In any content area tested pursuant to California Education Code sections 60642 and 60642.5 and included in the Academic Performance Index, the school’s proportion of the number of test-takers in that content area compared with the total number of test-takers is less than 85 percent. There shall be no rounding in determining the proportion of test-takers in each content area (e.g., 84.99 percent is not 85 percent).

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>Local Educational Agency and CDS</th>
<th>Period of Request</th>
<th>Demographic Information</th>
<th>Number of Grade 10 Students Who Met API Inclusion Rule</th>
<th>Number and Percent of Grade 10 Students Tested in CST, Life Sciences</th>
<th>Bargaining Unit, Reps Consulted, Date, and Position</th>
<th>Local Board and Public Hearing Approval Date</th>
<th>Advisory Committee Consulted, Date, and Position</th>
<th>Public Hearing Advertised Locations</th>
<th>SBE Streamlined Waiver Policy</th>
</tr>
</thead>
</table>
(Grade 10 students 112)  
Located in San Joaquin County  
Urban Community | 105  
7  
6.66% | Claudia Moreno, President of California School Employees Association 10/5/11  
Support  
Ellen Old, President of Stockton Teachers Association 10/6/11  
No Objections | Newspaper School Web Site | No |
**GENERAL WAIVER REQUEST**

**GW-1 (Rev. 10-2-09)**

First Time Waiver: _X__  
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

<table>
<thead>
<tr>
<th>CD CODE</th>
<th>6</th>
<th>8</th>
<th>6</th>
<th>7</th>
<th>6</th>
</tr>
</thead>
</table>

Local educational agency: Stockton Unified School District on behalf of Stockton Early College Academy

Contact name and Title:  
District: Carl Toliver, Superintendent  
School: Michael Hall, Principal

Contact person’s e-mail address:  
District: ctoliver@stockton.k12.ca.us

Address:  
District: 701 N. Madison, Stockton, CA 95202  
School: 640 N. San Joaquin St., Stockton, CA 95202

Phone (and extension, if necessary):  
District: 209-933-7000  
School: 209-933-7070  
School Fax: 209-939-9504

Period of request: (month/day/year)  
From: July 1, 2010  
To: June 30, 2011

Local board approval date: (Required)  
October 25, 2011

Date of public hearing: (Required)  
October 25, 2011

**LEGAL CRITERIA**

1. Under the general waiver authority of **Education Code** 33050-33053, the particular **Education Code** or **California Code of Regulations** section(s) to be waived (number):  
Circle One: **EC** or **CCR**

   Topic of the waiver: CCR, Title 5, Section 1032(d)(5): 85% of test takers for CST in Life Science in grade ten

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______  
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes  
If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 10/5/11; 10/6/11

   Name of bargaining unit and representative(s) consulted: CSEA California School Employees Association,  
   (Claudia Moreno, President); STA Stockton Teachers Association, (Ellen Old, President)

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (Please specify why)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?  
   _X_ Notice in a newspaper  ___ Notice posted at each school  _X_ Other: (Please specify) Website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   SECA Stockton Early College Academy, Board of Governors (Laurie Crawford, President)

   Date the committee/council reviewed the waiver request: 10/8/11

   Were there any objection(s)?  No _X_ Yes ___ (If there were objections please specify)
In 2010-2011, the Stockton Early College Academy had a student population of 244, including 108 sophomores, as reported by DataQuest. It is located in a large, urban district in San Joaquin County. Approximately 93% of the student body is non-Caucasian, and approximately 70% receive subsidized meals.

In SECA's first year with 10th grade students, and because all 10th graders were tested in end-of-course science, everyone at the site, including the SECA STAR Site Coordinator, overlooked the need for the 10th grade Life Sciences test. In English Language Arts, SECA had no student – 9th or 10th grade – test below the Basic level. In short, had SECA's 10th grade students taken the 10th grade Life Sciences test, we estimate, with high confidence, that they would have performed very well. Further, there were no Far Below Basic scores in Chemistry. The other four 10th grade students took the Biology CST, and all scored Proficient. Clearly SECA’s 10th grade students performed very well in the sciences. However, this was SECA’s first year with 10th grade students, and because all 10th graders were tested in end-of-course science, everyone at the site, including the SECA STAR Site Coordinator, overlooked the need for the 10th grade Life Sciences test. In English Language Arts, SECA had no student – 9th or 10th grade – test below the Basic level. In short, had SECA’s 10th grade students taken the Life Sciences test, we estimate, with high confidence, that they would have performed very well. Further evidence of the confusion is shown in the fact that 7 students actually started the 10th grade Life Sciences test, but completed only 1 or 2 items with the exception of 1 student who actually completed the test, scoring Far Below Basic. That same individual scored 345 (Very High Basic) on the Chemistry exam.

In short, because of our inexperience with 10th graders, we made a tragic, unintentional mistake that we neither wanted nor planned to happen, and for which we assume full responsibility. We ask that our past and current accomplishments, as well as our inexperience with 10th grade testing, be considered, and this waiver granted.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No ☐ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☐ Yes ☐
(If yes, please attach explanation or copy of CPM finding)
**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
</tr>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

<table>
<thead>
<tr>
<th>Staff Name (type or print):</th>
<th>Staff Signature:</th>
<th>Date:</th>
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<tr>
<th>Unit Manager (type or print):</th>
<th>Unit Manager Signature:</th>
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<th>Division Director (type or print):</th>
<th>Division Director Signature:</th>
<th>Date:</th>
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<tr>
<th>Deputy (type or print):</th>
<th>Deputy Signature:</th>
<th>Date:</th>
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</table>
Specific Waiver

SUBJECT
Request by two districts, under the authority of California Education Code Section 41382, to waive portions of Education Code sections 41376 (a), (c), and (d) and/or 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers: Little Lake City School District 31-11-2011
Oakley Elementary School District 86-12-2011

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education (CDE), based on the finding below, recommends that the class size penalties for kindergarten through grade three will be waived provided that the overall average and individual class size average is not greater than the CDE recommended class size on Attachment 1. The waivers do not exceed two years less one day.

Finding: Given the extremely challenging fiscal environment for California schools and the specific financial circumstances described by each district in its waiver application, the State Board of Education (SBE) finds that the districts' continued ability to maintain the delivery of instruction and required program offerings in all core subjects, including reading and mathematics, will be seriously compromised by the financial penalties the districts would otherwise incur without approval of the requested waiver. In these circumstances, the SBE finds specifically that the class size penalty provisions of Education Code (EC) sections 41376 and/or 41378 will, if not waived, prevent the districts from developing more effective educational programs to improve instruction in reading and mathematics in the classes specified in the districts' applications.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since September 2009, the SBE has approved all kindergarten through grade three class size penalty waiver requests as proposed by CDE. Before the September 2009 board meeting, no waivers had been submitted since 1999.
SUMMARY OF KEY ISSUES

*Education Code* Section 41382 allows the SBE to approve an exemption to the class size penalties assessed for kindergarten through grade three if the associated statutory class size requirements prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics. Under this authority, these districts are requesting a waiver of subdivisions (a) through (e) of *EC* Section 41378, which provide for a penalty if the average class size on a district-wide basis for kindergarten exceeds 31 students or individual class levels exceed 33, and/or subdivisions (a), (c), and (d) of *EC* Section 41376, which provide for a penalty if the average class size on a district-wide basis for grades one through three exceeds 30 students, or individual class levels exceed 32. Since this particular statute regarding class size limits was written in 1964, given the current fiscal environment in school districts statewide, consideration of this and similar waivers is warranted.

The districts listed on Attachment 1 request flexibility to temporarily increase class sizes in kindergarten through grade three or grades one through three to reduce expenditures in light of the statewide budget crisis and the associated reductions in revenue limit funds provided by the state. Since fiscal year 2008-09, most districts have experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. Furthermore, payments for over one-quarter of what they are due have been deferred until the next fiscal year.

A positive certification is assigned to a school district that will meet its financial obligations in the current and two subsequent fiscal years. A qualified certification is assigned when a district may not meet its financial obligations for the current or two subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year. Each district’s most recent status is identified on Attachment 1.

To address funding reductions, districts are using various options in addition to increasing class size, including categorical program spending flexibility, reducing the number of days in the school year, employee furloughs, salary reductions, layoffs, or school closures.

Each district states that without the waiver, the core reading and math programs will be compromised by the fiscal penalties incurred. The estimated annual penalty should the district increase the class size average without a waiver is provided on Attachment 1.

The Department recommends, based on the finding above, that the class size penalties for kindergarten through grade three be waived provided the overall average and the individual class size average is not greater than the CDE recommended level shown on Attachment 1. Should any district exceed this new limit, the class size penalty would be applied per statute.
FISCAL ANALYSIS (AS APPROPRIATE)

See Attachment 1 for estimated penalty amounts for each district without the waiver approval.

ATTACHMENT(S)

Attachment 1:  List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (1 page)

Attachment 2:  Little Lake City School District Specific Waiver Request (4 pages)  
(Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 3:  Oakley Elementary School District Specific Waiver Request (4 pages)  
(Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
### Districts Requesting Kindergarten through Grade 3 Class Size Penalty Waivers

*Education Code* sections 41376 and 41378: For Kindergarten: Overall average 31; No class larger than 33.

For Grades 1-3: Overall average 30; no class larger than 32

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>Period of Request</th>
<th>District's Requested Class Size Average</th>
<th>CDE Recommended Class Size Average (New Maximum)</th>
<th>Bargaining Unit/Representatives Consulted and Dates Position</th>
<th>Local Board and Public Hearing Approval Date</th>
<th>Advisory Committee(s) Consulted and Date</th>
<th>Estimated Annual Penalty Without Waiver</th>
<th>Fiscal Status</th>
<th>Previous Waiver and Period of Request</th>
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<tbody>
<tr>
<td>31-11-2011</td>
<td>Little Lake City School District</td>
<td><strong>Requested:</strong> September 2010 to June 2011</td>
<td>- For grades 1-3: Overall average 30; No class larger than 33</td>
<td>- For grades 1-3: Overall average 30; No class larger than 33</td>
<td>- Little Lake Educators Association, Terry Tanori, President 11/9/11 Support</td>
<td>November 12, 2011</td>
<td>- District English Learner Advisory Committee, District Advisory Committee, 12/8/11</td>
<td>- No Objections</td>
<td>$36,592</td>
<td>Positive</td>
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<tr>
<td>86-12-2011</td>
<td>Oakley Elementary School District</td>
<td><strong>Requested:</strong> July 1, 2012 to June 30, 2014</td>
<td>- For K-3; Overall average 31; no class size larger than 34</td>
<td>- For K-3; Overall average 31; no class size larger than 34</td>
<td>- Oakley Union Teachers Association; Pat Anderson, President and Kim Ambrosino, Vice President 11/28/11 Neutral</td>
<td>December 21, 2011</td>
<td>- Budget Advisory Committee, Delta Vista PTA 11/29/11 &amp; 12/11</td>
<td>- No Objections</td>
<td>$210,000 each year</td>
<td>Positive</td>
</tr>
</tbody>
</table>
### LEGAL CRITERIA

1. Authority for the waiver: EC Specific code section: 41376 and 41378  
   Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive.  
   - Grades 1-3—average class size not to exceed 30 students; no classes larger than 32 students  
   If these limits are exceeded, E.C. 41376(c) et al. and 41378(e) require the Superintendent of Public Instruction to reduce the district’s revenue limit apportionment for each student over the limit. In short, this means that the penalty for exceeding the limit is a loss in all revenue limit funding for each student over the limit.

2. *Education Code or California Code of Regulations* or portion to be waived.  
   Section to be waived: (number) 41376 and 41378  
   Circle One: [EC or CCR]  
   Brief Description of the topic of the waiver: See section 1 (above)

3. If this is a renewal of a previously approved waiver, please list Waiver No: [N/A] and date of SBE approval [N/A]  
   Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for EC 56101 waivers)  
   Does the district have any employee bargaining units? ___ No  X Yes  
   If yes, please complete required information below:  
   Bargaining unit(s) consulted on date(s): November 9, 2011  
   Name of bargaining units and representative(s) consulted: Little Lake Education Association, President, Terry Tanori  
   The position(s) of the bargaining unit(s): ___ Neutral  X_ Support ___ Oppose (Please specify why)  
   Comments (if appropriate):  

5. Advisory committee or school site council that reviewed the waiver. Name: District Advisory Council  
   District English Learner Advisory Committee & District Advisory Committee  
   Per EC 33051(a) if the waiver affects a program that requires a school site council that council must approve the request.  
   Date advisory committee/council reviewed request: [N/A]  
   12/8/11  
   _x_ Approve ___ Neutral ___ Oppose  
   Were there any objection? Yes ___ No _x_ (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a strike out key if only portions of sections are to be waived). (Attach additional pages if necessary.)

41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

Avoid Class Size Penalty. This was an oversight on a third/fourth combination class which included one additional student.

8. Demographic Information:

(District/school/program) Little Lake City School District has a student population of 4,741 and is located in an (urban, rural, or small city etc.) in Los Angeles County.

| Is this waiver associated with an apportionment related audit penalty? (per EC 41344) | X No | __ Yes |
| Has there been a Categorical Program Monitoring (CPM) finding on this issue? | X No | __ Yes |

District Certification – I hereby certify that the information provided on this application is correct and complete.

| Signature of Superintendent or Designee: | Title: Phillip Pérez, Ed.D. Superintendent | Date: |
| Signature of SELPA Director (only if a Special Education Waiver) | Date: |

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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

| Staff Name (type or print): | Staff Signature: | Date: |
| Unit Manager (type or print): | Unit Manager Signature: | Date: |
| Division Director (type or print): | Division Director Signature: | Date: |
| Deputy (type or print): | Deputy Signature: | Date: |
Little Lake City Elementary

6. EC to be waived

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the numbers of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.
To: California Department of Education,

Please note that the core instructional programs for our district will be negatively impacted if we have to incur the attendance penalty due to class size penalty. As our budget continue to decrease and the majority of our budget goes directly to support instruction in Language Arts, Mathematics, Science and Social Studies any amount of money that we take away form our students and academic programs puts our students at risk. For that reason, I urge you to consider accepting the waiver submitted.

Sincerely,

Maria Annett Soto
Assistant Superintendent Educational Services
Little Lake City School District
CALIFORNIA DEPARTMENT OF EDUCATION  
SPECIFIC WAIVER REQUEST  
SW-1 (Rev. 10-2-09)  
http://www.cde.ca.gov/re/lr/wr/  

First Time Waiver: ___  
Renewal Waiver: __X__

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

Local educational agency:
Oakley Union Elementary School District  
Local board approval date:  
December 21, 2011

Contact name and Title:
Richard Rogers, Superintendent  
Contact person’s e-mail address:
rrogers@ouesd.k12.ca.us

Address:  
91 Mercedes Lane  
Oakley, CA 94561  
Phone (and extension, if necessary):
(925) 625-5050  
Fax number:  
(925) 625-1863

Period of request:  
From: 7-1-2012  
To: 6/30/2014

LEGAL CRITERIA

1. Authority for the waiver:  
   ___X__ Specific code section:  
   Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to 
   waive.  
   EC 41382 Exemption from penalty provisions: application to State Board Education

2. Education Code or California Code of Regulations or portion to be waived:
   Section to be waived:  
   (number) EC 41376 (a), (c) and (d) and 41378 (a) through (e)  
   Circle One:  EC or CCR
   Brief Description of the topic of the waiver:  
   Sections EC 41376 (a), (c) and (d) and 41378 (a) through (e) to avoid class size penalties in grades K through 3.

3. If this is a renewal of a previously approved waiver, please list Waiver No:  
   13-6-2010-W-15 and date of SBE approval  
   9/16/2010  
   Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for EC 56101 waivers)
   Does the district have any employee bargaining units?  
   ___ No  ___X__ Yes  
   If yes, please complete required information below:
   Bargaining unit(s) consulted on date(s):  
   November 28, 2011
   Name of bargaining units and representative(s) consulted:  
   Pat Anderson, President; Kim Ambrosino, Vice President
   The position(s) of the bargaining unit(s):  
   ___X__ Neutral  ___ Support  ___ Oppose (Please specify why)
   Comments (if appropriate):  
   While the Teachers Association (OUTA) understands the need and are appreciative of the District’s efforts to remain 
   fiscally solvent, we don’t wish to see increases in class sizes. Since there are no class size caps in the bargaining agreement with the Teachers Association 
   (OUTA), a district-wide effort to implement necessary reductions to offset the revenue shortfalls due to the state’s fiscal crisis is understood. However, the 
   negative impact on instruction and learning is of a grave concern to our Teachers Association (OUTA) and we wish it duly noted. We, therefore, take a 
   neutral yet guarded position regarding this waiver.

5. Advisory committee or school site council that reviewed the waiver. Name: Budget Advisory Committee & Delta Vista PTA
   Per EC 33051(a) if the waiver affects a program that requires a school site council that council must approve the request.
   Date advisory committee/council reviewed request:  
   Nov. 29, 2011 & Dec. 1, 2011
   X__ Approve  ___ Neutral  ___ Oppose
   Were there any objection?  Yes ___ No  ___X__ (If there were objections please specify)

CD CODE

0 7 6 1 7 6 2
6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a strike out key if only portions of sections are to be waived). (Attach additional pages if necessary.)

SEE ATTACHED

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

SEE ATTACHED

8. Demographic Information:
The Oakley Union ESD has a student population of 4630 and is located in a small city in Contra Costa County. The ethnic diversity of the students includes 42.3% white, 44.9% Hispanic, 8.1% black & 4.6% Asian. Oakley Elementary Schools are a community of active learners dedicated to the cultivation of individual potential and social responsibility.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  X  No   ___  Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue?  X  No   ___  Yes
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Superintendent, Oakley Union ESD</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signature of SELPA Director (only if a Special Education Waiver)</th>
<th>Date:</th>
</tr>
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</table>

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

<table>
<thead>
<tr>
<th>Staff Name (type or print):</th>
<th>Staff Signature:</th>
<th>Date:</th>
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</thead>
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<tr>
<th>Unit Manager (type or print):</th>
<th>Unit Manager Signature:</th>
<th>Date:</th>
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<tr>
<th>Division Director (type or print):</th>
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<tr>
<th>Deputy (type or print):</th>
<th>Deputy Signature:</th>
<th>Date:</th>
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</thead>
</table>
**Waive the Class Size Penalty for Kindergarten**

EC 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. (a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.

**Waiver the Class Size Penalty for Grades 1-3. Statutory “authority” for the request is EC 41382**

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.
7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

The current fiscal crisis at the state level has direct impact to our school districts ability to maintain a positive fund balance without additional staff reductions and increased class sizes. This is a temporary waiver request for an additional two years. It is important to note that while the district has had this same waiver in place for the last two school years it has not been necessary to utilize its protections. However, as a safety net for the next two years we would like to renew this waiver just in case it becomes necessary in a few isolated classes. Oakley will reinstate CSR at 20:1 when the State budget eliminates the current waiver from class size penalties. However, the offset to revenue reductions made by the state cannot be accomplished for this re-implementation without possibility of having to waive the standard class sizes indicated in the current education code for the upcoming two years. The 2009-10 District budget included a shortfall of 2.9 million dollars due to state reductions. To address the shortfall the district Board of Trustees approved layoffs as follows: 1 Custodial Supervisor, 2 custodian, .5 warehouse clerk, eliminated 4th and 5th grade prep periods, 1 human resources clerk, 1 Assistant Principal, 2 counselors, 2 psychologists, accepted penalties on CSR flexibility for 2009-10 budget year and approved layoff notice for 16 teachers, all employees accepted 3 days of furlough beginning in the 2009-10 budget year through 2010-11. Additional on-going revenue reductions included in the 2010-11 state budget proposal has left the district with an additional 1.8 million dollar reduction. This is an on-going reduction which over the three year projection cycle represents 5.4 million dollar loss to revenues. To back fill this shortfall additional furlough days have been agreed to by all union groups for a total of 5 furlough days in 2011-12 and 2012-13. In a prior year an Assistant Superintendent position was eliminated. We have implemented spending and hiring freezes, and additional layoffs or eliminations of positions in both the certificated and classified areas. It is the district’s desire to staff all classrooms grades K-3 for an average outcome of 31 pupils per each full-time teacher allowing no more than 34 pupils in any one class per full-time teacher. Our current class size for each grade level is as follows: grade K avg. 29:1, grade 1 avg. 30.3, grade 2 avg. 30.5, grade 3 avg. 27.8.

In addition the fiscal crisis at the state level has created a domino effect on the classroom and our ability to maintain core programs. From this lack of funding flows a lack of instructional materials, lack of staff to deliver instruction, and limited program offerings. Additional financial reductions due to class size penalties will create a further decline to our classrooms resulting in additional reductions that reach to the core academic programs such as reading, mathematics and science. The Oakley District continues to set priorities that impact our student body in a direct and positive way as we struggle to maintain and improve our core programs in the midst of this crisis. Our strategic plan is focused on quality teacher and student achievement. It is our hope that further reductions though penalties will not occur and our waiver will be fully considered by the State Board.
General Waiver

SUBJECT

Request by seven districts to waive portions of California Education Code Section 41376 (b) and (e), relating to class size penalties for grades four through eight. A district’s current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district’s 1964 average.

Waiver Numbers: Oakley Union Elementary 87-12-2011  
Napa Valley Unified 55-10-2011  
Nevada City Elementary 61-12-2011  
Newhall School 43-10-2011  
Merced City Elementary 66-12-2011  
Poway Unified 34-10-2011  
Temecula Valley Unified 41-10-2011

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education recommends that the class size penalty in grades four through eight be waived provided the class size average is not greater than the recommended new maximum average shown on Attachment 1 for each district. These waivers do not exceed two years less one day, therefore, Education Code (EC) Section 33051(b) will not apply, and the districts must reapply to continue the waiver.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since September 2009, the State Board of Education (SBE) has approved all grades four through eight class size penalty waiver requests. Before the September 2009 board meeting, no waivers had been submitted since 1999.

SUMMARY OF KEY ISSUES

The various districts listed on Attachment 1 request a waiver of subdivisions (b) and (e) of EC Section 41376, which relates to class size penalties for grades four through eight that reduce a district’s revenue limit funding. A class size penalty is assessed for grades four through eight if a district exceeds the greater of the district’s class size average in 1964 or the statewide average set in 1964. Statewide, 292 districts out of 883 or 33 percent of districts in California can have a class size average greater than 29.9.
SUMMARY OF KEY ISSUES (Cont.)

The districts listed on Attachment 1 request to temporarily increase class sizes in grades four through eight to reduce expenditures in light of the statewide budget crisis and reductions in revenue limit funding. Since fiscal year 2008-09 most districts have experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. Furthermore, payments for over one-quarter of what they are due have been deferred until the next fiscal year.

A positive certification is assigned to a school district that will meet its financial obligations in the current and two subsequent fiscal years. A qualified certification is assigned when a district may not meet its financial obligations for the current or two subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year. Each district’s most recent status is identified on Attachment 1.

To address funding reductions, districts are using various options in addition to increasing class size, including categorical program spending flexibility, reducing the number of days in the school year, employee furloughs, salary reductions, layoffs, or school closures. The statutes being waived do not preclude a district from increasing class sizes above certain maximums. By denying the waiver, the SBE does not ensure that the districts will not raise class size averages and lose funding.

The Department recommends the class size penalty in grades four through eight be waived for each district provided the class size average is not greater than the recommended new maximum shown on Attachment 1. Should the district exceed this limit, the class size penalty would be calculated as required by statute. The estimated annual penalty should the district increase the class size average without a waiver is provided on Attachment 1.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.
FISCAL ANALYSIS (AS APPROPRIATE)

See Attachment 1 for estimated penalty amounts for each district without the waiver approval.

ATTACHMENT(S)

Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (1 page)

Attachment 2: Oakley Union Elementary School District General Waiver Request (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Napa Valley Unified School District General Waiver Request (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Nevada City Elementary School District General Waiver Request (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Newhall School District General Waiver Request (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Merced City Elementary School District General Waiver Request (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Poway Unified School District General Waiver Request (9 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Temecula Valley Unified School District General Waiver Request (4 pages) (Original waiver request is signed and on file in the Waiver Office.)
<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>Period of Request</th>
<th>1964 Class Size Average (Current Maximum)</th>
<th>District's Requested Class Size Average</th>
<th>CDE Recommended Class Size Average (New Maximum)</th>
<th>Bargaining Unit, Representatives Consulted, Date, and Position</th>
<th>Local Board and Public Hearing Approval Date</th>
<th>Advisory Committee(s) Consulted, Date, and Position</th>
<th>Estimated Annual Penalty Without Waiver</th>
<th>Fiscal Status</th>
<th>Previous Waiver and Period of Request</th>
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<tr>
<td>55-10-2011</td>
<td>Napa Valley Unified School District</td>
<td>Requested: August 1, 2011 to June 10, 2013</td>
<td>30.5</td>
<td>33</td>
<td>33</td>
<td>Napa Valley Educators Association (NVEA); Linda Hansen, President and Pat O'Conner, Chief Negotiator 10/11/11 Support</td>
<td>October 20, 2011</td>
<td>NVEA and Napa Valley Unified School District 10/11/11 No Objections</td>
<td>$2,728,242 each year</td>
<td>Positive</td>
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<td>61-12-2011</td>
<td>Nevada City Elementary School District</td>
<td>Requested: July 1, 2011 to June 29, 2013</td>
<td>30.1</td>
<td>33</td>
<td>33</td>
<td>Nevada City Faculty Association, Denise Reis, Lead Negotiator, 11/18/11 Neutral</td>
<td>December 12, 2011</td>
<td>Seven Hill's School Site Council, 12/13/11; Deer Creek Elementary School 12/12/11 No Objections</td>
<td>$0 each year</td>
<td>Positive</td>
<td>No</td>
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<td>66-12-2011</td>
<td>Merced City Elementary School District</td>
<td>Requested: July 1, 2012 to June 30, 2014</td>
<td>29.9</td>
<td>34</td>
<td>34</td>
<td>Merced City Teachers Association, Dora Krane, President; 10/20/11 Neutral</td>
<td>December 13, 2011</td>
<td>Merced City Schools, Various dates No Objections</td>
<td>$3,843,541 each year</td>
<td>Positive</td>
<td>No</td>
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<tr>
<td>34-10-2011</td>
<td>Poway Unified School District</td>
<td>Requested: July 1, 2012 to June 30, 2014</td>
<td>30.7</td>
<td>33</td>
<td>33</td>
<td>Poway Federation of Teachers, Candy Smiley, President; 9/20/11 Support</td>
<td>October 10, 2011</td>
<td>District Advisory Committee 10/8/2011 No Objections</td>
<td>$5,188,530 each year</td>
<td>Positive</td>
<td>Yes 7/1/10 to 6/29/12</td>
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<tr>
<td>41-10-2011</td>
<td>Temecula Valley Unified School District</td>
<td>Requested: July 1, 2012 to June 30, 2014</td>
<td>29.9</td>
<td>34</td>
<td>34</td>
<td>Temecula Valley Educators Association, Chris Lindberg, President; 9/30/2011 Neutral</td>
<td>November 8, 2011</td>
<td>District Advisory Committee 9/30/2011 No Objections</td>
<td>$8,095,726 each year</td>
<td>Positive</td>
<td>Yes 7/1/10 to 6/29/12</td>
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</tbody>
</table>
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___  Renewal Waiver: _X_

Send Original plus one copy to:  Send Electronic copy in Word and
Waiver Office, California Department of Education  back-up material to: waiver@cde.ca.gov
1430 N Street, Suite 5602
Sacramento, CA 95814

CD CODE

| 0 | 7 | 6 | 1 | 7 | 6 | 2 |

Local educational agency: Oakley Union Elementary School District  Contact name and Title: Richard Rogers, Superintendent  Contact person’s e-mail address: rrogers@ouesd.k12.ca.us

Address: 91 Mercedes Lane  (City) Oakley  (State) CA  (ZIP) 94561  Phone (and extension, if necessary): 925.625.5050  Fax Number: 925.625.1863

Period of request: (month/day/year) From: 7-1-2012 To: 6-30-2014  Local board approval date: (Required)  Dec. 21, 2011  Date of public hearing: (Required)  Dec. 21, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): EC 41376 (b) & (e)  Circle One: EC or CCR

Topic of the waiver: Waiver of class size penalties for grades 4-8. Under the provisions of Ed. Code sections 41376 (b) & (e) to avoid class size penalties in grades 4 through 8, the average number of pupils per teacher is not to exceed the greater of the statewide average of pupils per teacher in 1964 (29.9) or the District’s (OUESD) average number of pupils per teacher in 1964. Oakley UESD’s average number of pupils per teacher in 1964 was 33:1.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 14-6-2010-W-5__ and date of SBE Approval November 10, 2010.

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  X Yes  If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): November 28, 2011

Name of bargaining unit and representative(s) consulted:

The position(s) of the bargaining unit(s):  X Neutral  __ Support  __ Oppose (Please specify why)

Comments (if appropriate):  While the Teachers Association (OUTA) understands the need and are appreciative of the District’s efforts to remain fiscally solvent, we don’t wish to see increases in class sizes. Since there are no class size caps in the bargaining agreement with the Teachers Association (OUTA), a district-wide effort to implement necessary reductions to offset the revenue shortfalls due to the state’s fiscal crisis is understood. However, the negative impact on instruction and learning is of a grave concern to our Teachers Association (OUTA) and we wish it duly noted. We, therefore, take a neutral yet guarded position regarding this waiver.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper  X Notice posted at each school  ___ Other: (Please specify)  Posted at the Oakley City Public Library, the District Office and the Middle School Library where public board meetings are usually held as well as all school offices.

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Budget Advisory Committee, Delta Vista PTA  Date the committee/council reviewed the waiver request: Nov. 29, 2011 & Dec. 1, 2011

Were there any objection(s)?  No  X Yes  (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a *strike out* key).

SEE ATTACHED

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

SEE ATTACHED

8. Demographic Information:
The Oakley Union ESD has a student population of 4630 and is located in a small city in Contra Costa County. The ethnic diversity of the students includes 42.3% white, 44.9% Hispanic, 8.1% black & 4.6% Asian. Oakley Elementary Schools are a community of active learners dedicated to the cultivation of individual potential and social responsibility.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  No ☒  Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒  Yes ☐
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
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<tr>
<td>Superintendent</td>
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<td>Role</td>
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<td>Unit Manager</td>
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<tr>
<td>Deputy</td>
<td>Deputy Signature</td>
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</table>
Item 6:

Waiver of Class Size Penalties for Grades 4-8

41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. (e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.
7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

The current fiscal crisis at the state level has direct impact to our school districts ability to maintain a positive fund balance without additional staff reductions and increased class sizes. This is a temporary waiver request for an additional two years. It is important to note that while the district has had this same waiver in place for the last two school years it has not been necessary to utilize its protections. However, as a safety net for the next two years we would like to renew this waiver just in case it becomes necessary in a few isolated classes. Oakley will reinstate CSR at 20:1 when the State budget eliminates the current waiver from class size penalties. However, the offset to revenue reductions made by the state cannot be accomplished for this re-implementation without possibility of having to waive the standard class sizes indicated in the current education code for the upcoming two years. The 2009-10 District budget included a shortfall of 2.9 million dollars due to state reductions. To address the shortfall the district Board of Trustees approved layoffs as follows: 1 Custodial Supervisor, 2 custodian, .5 warehouse clerk, eliminated 4th and 5th grade prep periods, 1 human resources clerk, 1 Assistant Principal, 2 counselors, 2 psychologists, accepted penalties on CSR flexibility for 2009-10 budget year and approved layoff notice for 16 teachers, all employees accepted 3 days of furlough beginning in the 2009-10 budget year through 2010-11. Additional on-going revenue reductions included in the 2010-11 state budget proposal has left the district with an additional 1.8 million dollar reduction. This is an on-going reduction which over the three year projection cycle represents 5.4 million dollar loss to revenues. To back fill this shortfall additional furlough days have been agreed to by all union groups for a total of 5 furlough days in 2011-12 and 2012-13. In a prior year an Assistant Superintendent position was eliminated. We have implemented spending and hiring freezes, and additional layoffs or eliminations of positions in both the certificated and classified areas. Oakley’s historical pupil average in 1964 was 33 pupils per each full-time teacher. It is the district’s desire to staff classrooms for an average outcome of 32 pupils per each full-time teacher allowing no more than 35 pupils per each full-time teacher to accomplish the average. Our current class size average for each grade level is as follows: grade 4 avg. 30.4:1, grade 5 avg. 30.7:1, grade 6 avg. 29.9:1, and grades 7 & 8 avg. 30:1.

In addition the fiscal crisis at the state level has created a domino effect on the classroom and our ability to maintain core programs. From this lack of funding flows a lack of instructional materials, lack of staff to deliver instruction, and limited program offerings. Additional financial reductions due to class size penalties will create a further decline to our classrooms resulting in additional reductions that reach to the core academic programs such as reading, mathematics and science. The Oakley District continues to set priorities that impact our student body in a direct and positive way as we struggle to maintain and improve our core programs in the midst of this crisis. Our strategic plan is focused on quality teacher and student achievement. It is our hope that further reductions though penalties will not occur and our waiver will be fully considered by the State Board.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

CD CODE

2 8 6 6 2 6 6

Local educational agency: Napa Valley Unified School District
Contact name and Title: Ashley Halliday, Asst. Superintendent
Contact person’s e-mail address: ahalliday@nvusd.k12.ca.us
Address: 2425 Jefferson St. Napa CA 94558
Phone (and extension, if necessary): 707-253-3571
Fax Number: 707-253-3953

Period of request: From 8/1/2011 To 6/10/2013
Local board approval date: October 20, 2011
Date of public hearing: October 20, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): portions of 41376 (b) and (e) Circle One: EC or CCR

Topic of the waiver: Waiver of class size penalty for exceeding the 1964 district average of (30.5) and/or statewide average (29.9) number of pupils per teacher in grades 4-8. This waiver seeks authority to increase class sizes to no more than an average of 33 students.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: N/A and date of SBE Approval ______

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 10/11/11
Name of bargaining unit and representative(s) consulted: Napa Valley Educators’ Association, Linda Hansen, President Pat O’Connor, Chief Negotiator
The position(s) of the bargaining unit(s): __ Neutral X Support __ Oppose (Please specify why)
Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?
X Notice in a newspaper Notice posted at each school Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
NVEA/NVUSD Council Napa Valley Educators Association/Napa Valley Unified School District
Date the committee/council reviewed the waiver request: 10/11/11

Were there any objection(s)? No X Yes (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   See Attachment A

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   The Napa Valley Unified School District is seeking to temporarily increase class size in grades 4-8 in order to provide flexibility in staffing and reduce expenditures during this period of severely reduced revenue. The district faces a $5.2M budget shortfall for 2011-12 and 2012-13 due to the State budget crisis and sharp revenue reductions. The District would save approximately $1,500,664 by increasing the average class size in grades 4-8 to 33 students. This requires a waiver of Ed. Code section 41376(b) and (e), which states that a district will be penalized for exceeding the greater of its average class size in grades 4-8 or the statewide average of 29.9. The District is asking that Ed Code section 41376(b) and (e) and the associated penalty be waived in order to increase class sizes for grades 4-8 to an average not to exceed 33 students. This waiver would end on June 30, 2013 at which time it is anticipated that the District will be in a more stable financial position to reinstate lower class sizes.

8. Demographic Information:

   Napa Valley Unified School District has a student population of **17,500** and is located in an urban/suburban area in Napa County.

   **Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**  No **X**  Yes □

   (If yes, please attach explanation or copy of audit finding)

   **Has there been a Categorical Program Monitoring (CPM) finding on this issue?**  No **X**  Yes □

   (If yes, please attach explanation or copy of CPM finding)

   **District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

   Signature of Superintendent or Designee: [Staff Name (type or print):]

   Title: [Asst. Superintendent, Human Resources/EER]

   Date: **10/20/11**

   **FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

   Staff Name (type or print): [Staff Signature:]

   Date: [ ]

   Unit Manager (type or print): [Unit Manager Signature:]

   Date: [ ]

   Division Director (type or print): [Division Director Signature:]

   Date: [ ]

   Deputy (type or print): [Deputy Signature:]

   Date: [ ]
Attachment A Item 6 Education Code Being Waived:

41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. (e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.
**First Time Waiver: X  
Renewal Waiver: ____**

Send Original plus one copy to:
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

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<th>CD CODE</th>
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**Legal Criteria**

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section to be waived: Portions of 41376 (b) and (e) EC

   **Topic of the waiver:** Waiver of class size penalty for exceeding the 1964 district average of 30.1 and/or statewide average of 29.9 number of pupils per teacher in grades 4 – 8. This waiver seeks authority to increase class sizes to no more than an average of 33 students. Currently, there is one 6th grade classroom with 33 students.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: NA and date of SBE Approval______

   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes  
   If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):** November 18, 2011

   **Name of bargaining unit and representative(s) consulted:** Nevada City Faculty Association, Denise Reis, lead negotiator and the other members of the bargaining team

   **The position(s) of the bargaining unit(s):** X Neutral ___ Support ___ Oppose (Please specify why)

   **Comments (if appropriate):**

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   **How was the required public hearing advertised?**

   ___ Notice in a newspaper X Notice posted at each school ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   **Date the committee/council reviewed the waiver request:** 12/13/11 Seven Hills School Site Council  
   12/12/11 Deer Creek Elementary School

   **Were there any objection(s)?** No X Yes ___ (If there were objections please specify)

---

**Local educational agency:** Nevada City School District

<table>
<thead>
<tr>
<th>Address: 800 Hoover Lane, Nevada City, CA., 95959</th>
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</thead>
<tbody>
<tr>
<td><strong>(City) (State) (ZIP)</strong> Phone (and extension, if necessary): 530.265.1823</td>
</tr>
<tr>
<td>Fax Number: 530.265.1822</td>
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</tbody>
</table>

**Period of request:** (month/day/year)  
From: 7/1/2011 To: 6/30/12

| Local board approval date: (Required)  
December 13, 2011 |
| Date of public hearing: (Required)  
December 13, 2011 |
6. *Education Code or California Code of Regulations* section to be waived: (Strike-out below indicates the exact language being waived.)

Please see Attachment A, Item 6 Education Code Being Waived.

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<th>8. Demographic Information:</th>
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<td>Nevada City School District has a student population of 914 and is located in a rural (urban, rural, or small city etc.) area in Nevada County.</td>
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**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

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<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
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<tbody>
<tr>
<td>Roxanne Brown Gilpatric</td>
<td>Superintendent</td>
<td>December 7, 2011</td>
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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The Nevada City School District is seeking to temporarily increase class size in grades 4 – 8 in order to provide flexibility in staffing and reduce expenditures during this period of severely reduced revenue. The district faces a $432,324.00 budget shortfall for 2011/12 and a $437,324.00 budget shortfall for 2012/13 due to the State budget crisis and sharp revenue reductions. We closed a school in 2009/10 and repurposed another school in 2010/11. This requires a waiver of Education Code Section 41376 (b) and (e) which states that a district will be penalized for exceeding the greater of its average class size in grades 4 – 8 or the 1964 statewide average of 29.9. The district is asking that Education Code Section 41376 (b) and (e) and the associated penalty be waived in order to increase class sizes for grades 4 – 8 to an average not to exceed 33 students. This waiver would end on June 30, 2012.

**Current Enrollment:**
- Grade 4 – 97 students ÷ 3.5 teachers = 27.71 average class size
- Grade 5 – 112 students ÷ 4.0 teachers = 28.0 average class size
- Grade 6 – 98 students ÷ 3.0 teachers = 32.66 average class size
- Grade 7 – 106 students ÷ 5.0 teachers = 21.20 average class size
- Grade 8 – 136 students ÷ 6.51 teachers = 20.89 average class size
- 549 students ÷ 22 teachers = 24.9 average class size
Attachment A Item 6 Education Code Being Waived:

41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. (e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

| CD CODE | 1 9 6 4 8 3 2 |

Local educational agency: Newhall School District
Contact name and Title: Michael Clear
Contact person’s e-mail address: mclear@newhall.k12.ca.us

Address: 25735 Orchard Village Road, #200 Valencia CA 91355

Period of request: From: July 1, 2011 To: June 30, 2012
Local board approval date: Oct. 18, 2011
Date of public hearing: Oct. 18, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Circle One: EC or CCR

   Topic of the waiver: Class size penalty grades 4 through 6. 35256(c) & 35258

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______

   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): Oct. 12, 2011
   Name of bargaining unit and representative(s) consulted: Newhall Teachers’ Assoc. President, Carole Magnuson
   The position(s) of the bargaining unit(s): X Neutral __ Support __Oppose (Please specify why)
   Comments (if appropriate): NTA believes small class sizes are a critical factor in student achievement but we understand that the State fiscal crisis has forced Newhall School District to staff tightly at 30:1.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?
   ___ Notice in a newspaper  X Notice posted at each school  ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Newhall School District’s School Site Council Presidents
   Date the committee/council reviewed the waiver request: November 3, 2011 (see attachment for list)

   Were there any objection(s)? No __x__ Yes ___ (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

See attached EC 41376 with strike-outs through sections (b) and (e).

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The District requests a waiver to increase the district wide average number of pupils per each FTE (Full Time Equivalent) from the current 29.9 per FTE to 31 per FTE in grades 4 through 6 inclusive. The reason for this waiver is the budget constraints the District is facing due to the State budget crisis. The District has maintained class sizes at less than 30 per FTE during the downturn of the economy. Principals staff schools at 29:1 but new 2011/12 enrollment in grades 4 through 6 moved the average slightly above 29.9:1 to 30.2:1 as reported in the 1st month enrollment report. We anticipate averages to stay close to this ratio for the rest of the year.

8. Demographic Information:

Newhall School District has a student population of 6,928 and is located in a small city (urban, rural, or small city etc.) in Los Angeles County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No ☑ Yes ☐

(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☑ Yes ☐

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
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<tbody>
<tr>
<td></td>
<td>Superintendent</td>
<td>Oct. 19, 2011</td>
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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The superintendent and assistant superintendents meet bi-monthly with the presidents of the School Site Councils (SSC) from each of our ten schools. The presidents, in turn, summarize the content of the meetings with their respective SSCs and provide input back to the superintendent, if needed. On November 3, 2011 the waiver was discussed with the Newhall School District’s SSC presidents. There were no objections to the waiver.

School Site Council Presidents:
Dee Knopp, Meadows Elementary
Angela Melzian, Dr. J. Michael McGrath Elementary
Jeri Batchelor, Newhall Elementary
Taylor Halberstam, Oak Hills Elementary
Aldo Hernandez, Old Orchard Elementary
Amanda Andrew, Peachland Elementary
Sonja Dameron, Pico Canyon Elementary
Stephen Baumgartner, Stevenson Ranch Elementary
Terry Ravenscroft, Valencia Valley Elementary
Molly Cop, Wiley Canyon Elementary
The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.

(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:

(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.

(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.
(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 41601 by this total amount.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964-65 and each year thereafter the information required for the determination to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction. Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular schoolday. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular schoolday.
For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964-65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 41601 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section.
CALIFORNIA DEPARTMENT OF EDUCATION  
GENERAL WAIVER REQUEST  
GW-1 (Rev. 10-2-09)  
http://www.cde.ca.gov/re/ir/wr/  

First Time Waiver: X  
Renewal Waiver: ___

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

Local educational agency:  
Merced City School District

Contact name and Title:  
Kris Cavallero  
Chief Fiscal Officer

Contact person’s e-mail address:  
k cavallero@mcsd.k12.ca.us

Address:  
444 West 23rd St  
Merced Ca 95340

Phone (and extension, if necessary):  
(209) 385-6643  
Fax Number: (209) 385-6316

Period of request:  (month/day/year)  

Local board approval date: (Required)  
December 13, 2011

Date of public hearing: (Required)  
December 13, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 41376  
Circle One: EC or CCR

Topic of the waiver: Grades 4-8 Class Size Penalties Request 34:1

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______

Renewsals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes  
If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): See Attached

Name of bargaining unit and representative(s) consulted:  
See Attached; Dora Krane, President

The position(s) of the bargaining unit(s): _X_ Neutral __ Support __ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

_X_ Notice in a newspaper ___ Notice posted at each school ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request:  
See Attached

Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify)
6. **Education Code** or **California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

    See Attached

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

    See Attached

8. Demographic Information:
   
   (District/school/program) Merced City School District has a student population of 10,747 and is located in a Small City (urban, rural, or small city etc.) in Merced County.

<table>
<thead>
<tr>
<th>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</th>
</tr>
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<tbody>
<tr>
<td>No [ ] Yes [x]</td>
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(If yes, please attach explanation or copy of audit finding)

<table>
<thead>
<tr>
<th>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</th>
</tr>
</thead>
<tbody>
<tr>
<td>No [x] Yes [ ]</td>
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</tbody>
</table>

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

| Signature of Superintendent or Designee: | Title: District Superintendent | Date: 12/13/2011 |

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

| Staff Name (type or print): | Staff Signature: | Date: |

| Unit Manager (type or print): | Unit Manager Signature: | Date: |

| Division Director (type or print): | Division Director Signature: | Date: |

| Deputy (type or print): | Deputy Signature: | Date: |
Merced City School District

Item 6 “EC to be waived”.

41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. (e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.
MERCED CITY SCHOOL DISTRICT

General Waiver Request GW-1
Additional Information

3. Collective bargaining unit information. Bargaining unit(s) consulted on the following dates:

   Merced City Teachers Association          October 20, 2011
   California School Employees Association   October 13, 2011

5. Advisory committee or school site councils reviewed this waiver on the following dates:

<table>
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<tbody>
<tr>
<td>Burbank Elementary School</td>
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<td>Franklin Elementary School</td>
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<td>Fremont Charter School</td>
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<td>Givens Elementary School</td>
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<td>Gracey Elementary School</td>
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<td>Muir Elementary School</td>
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<td>Peterson Elementary School</td>
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<td>Reyes Elementary School</td>
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<td>Sheehy Elementary School</td>
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<td>Wright Elementary School</td>
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<tr>
<td>Hoover Middle School</td>
<td>October 4, 2011</td>
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<td>Rivera Middle School</td>
<td>November 14, 2011</td>
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<td>Tenaya Middle School</td>
<td>September 21, 2011</td>
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6. To Waive Grades 4-8 Class Size Penalties

   EC 41376 (b) for grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:

   (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the State, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.

   (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

   (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.
7. The District requests a waiver to increase the district-wide average number of pupils per each full-time equivalent (FTE) teacher from the current 29.9 per FTE (per EC 41376) to 32 or 34 per FTE.

The current required average of 29.9 per FTE is lower than the average required by the Merced City School District Master Agreement. Article XVII of the Master Agreement requires that the average class size shall not exceed the following maximums by two (2) pupils at K-5 schools and two (2) pupils per site at 6-8 schools: grades K-3 30; 4-6 32; 7-8 34. The class size average per EC 41376 (29.9) is more restrictive than the Master Agreement.

To meet the requirements of EC 41376, the district has had to add staff beyond the Master Agreement. The average cost of a new teacher in 2010-11 was $72,766.

In light of the current statewide budget crisis and the reduced revenue to school district, any additional staffing costs have a detrimental effect on the district’s operations and ability to provide necessary services. To protect the instructional integrity of our education program the district will continue to staff per the Master Agreement.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ____  Renewal Waiver: ___X____

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency:
Poway Unified School District

Contact name and Title:
John P. Collins Ed.D.
Superintendent

Contact person’s e-mail address:
JCOLLINS@powayusd.com

Address:
15250 Avenue of Science  San Diego, CA  92128

Phone (and extension, if necessary):
858-521-2800
Fax Number:  858-485-1075

Period of request:   (month/day/year)
From: July 1, 2012  To: June 29, 2014
Local board approval date: (Required)
October 10, 2011
Date of public hearing:  (Required)
October 10, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  
Circle One: EC or CCR

2. Topic of the waiver: Continue a waiver approved by the State Board of Education in 2010 eliminating class size penalty for exceeding the 1964 district and/or statewide average of the number of pupils per teacher in grades 4-8 (29.4). The District’s class size maximum in 1964 was at 30.7.  The District’s 2011-12 class size average, under the existing General Education Waiver, was 32.6.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 88-2-2010 and date of SBE Approval, May 6, 2010, Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  ___X__ Yes  If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):  September 28, 2011

Name of bargaining unit and representative(s) consulted:  Poway Federation of Teachers, Candy Smiley, President

The position(s) of the bargaining unit(s):  ___ Neutral  ___X__ Support  ___ Oppose (Please specify why)

Comments (if appropriate):  The current bargaining agreement with the Poway Federation of Teachers (PFT) does not state a class size cap at grades 4-8. The Poway Federation of Teachers views the waiver as a prudent action in light of the current budget reductions and the according increases in class size across our K-12 organization.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?  See Attachment C

___X__ Notice in a newspaper  ___X__ Notice posted at each school  ____ Other: (Please specify)
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: October 6, 2011

Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify) See attachment C for advisory committee comments

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

See Attachment B

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The Poway Unified School District is seeking to extend a 2010 General Education Waiver to temporarily increase class size in grades 4-8 in order to provide flexibility in staffing, reduce expenditures during a period of severely reduced income while making every effort to sustain our significant growth in the academic success of each Poway Unified School District student (See Attachment C). The budget crisis and resulting revenue reductions to Poway Unified School District has caused the District's 2011-12 through 2014 anticipated expenditures to exceed revenues by approximately $46 million. The district projects a savings of $1.4 million in each year of this waiver. This would require a waiver of Ed. Code Section 41376(b), which states that a district will be penalized for exceeding its class size average in grades 4-8 to an average not exceeding 33 students. This waiver would end on June 30, 2014, at which time it is anticipated that the District would be in a better position to afford reinstating lower class sizes. Should the State Board approve the waiver, as provided by the current Collective Bargaining Agreement and Memorandum of Understanding, the District will continue to meet with the Poway Federation of Teachers representatives to address staffing ratios, class size, and teacher loads. The Collective Bargaining Agreement and Memorandum of Understanding will be amended if needed.

8. Demographic Information:
Poway Unified School District has a student population of 34,459 and is located in the cities of San Diego and Poway in San Diego County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No _X_ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No _X_ Yes ☐
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: Title: Date:
<table>
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<td>Division Director (type or print)</td>
<td>Division Director Signature:</td>
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<tr>
<td>Deputy (type or print)</td>
<td>Deputy Signature:</td>
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</table>
Attachment A: Item 6 Education Code Being Waived:

To Waive the Class Size Penalty (Grades 4-8) Prospectively or Retroactively
EC 41376 (b) and (e)

41376. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:
   (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.
       For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.
   (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:
       (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.
       (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.
       (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent classroom teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.
   (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.
   (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.
   (e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:
       He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.
   (f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:
       He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 41601 by this total amount.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964-65 and each year thereafter the information required for the determination to be made by the
Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction.

Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular schoolday. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular schoolday.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964-65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 41601 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section.
**Attachment B:**

**Poway Unified School District Student Performance Data**

**Academic Performance Index (API) District Wide Results**

Poway Unified School District Wide API – 887 - Growth of 5 Points from 2010 Base API

<table>
<thead>
<tr>
<th>Student Group</th>
<th># in Group</th>
<th>2011 Growth API</th>
<th>2010 BASE</th>
<th>Growth in API (Compared to 2010 BASE)</th>
<th>2009 Growth API</th>
<th>2008 Growth API</th>
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<tbody>
<tr>
<td>Students with Disabilities</td>
<td>2,877</td>
<td>708</td>
<td>697</td>
<td>11</td>
<td>667</td>
<td>670</td>
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<tr>
<td>Socioeconomically Disadvantaged</td>
<td>3,531</td>
<td>781</td>
<td>776</td>
<td>5</td>
<td>763</td>
<td>769</td>
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<tr>
<td>English Learners</td>
<td>3,871</td>
<td>830</td>
<td>828</td>
<td>2</td>
<td>810</td>
<td>800</td>
</tr>
<tr>
<td>African American</td>
<td>802</td>
<td>797</td>
<td>777</td>
<td>20</td>
<td>779</td>
<td>777</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>3,013</td>
<td>805</td>
<td>796</td>
<td>9</td>
<td>793</td>
<td>788</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>126</td>
<td>819</td>
<td>816</td>
<td>3</td>
<td>803</td>
<td>811</td>
</tr>
<tr>
<td>Pacific Islander</td>
<td>204</td>
<td>848</td>
<td>821</td>
<td>27</td>
<td>821</td>
<td>806</td>
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<tr>
<td>Filipino</td>
<td>1,949</td>
<td>881</td>
<td>879</td>
<td>2</td>
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<td>866</td>
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<tr>
<td>Asian</td>
<td>4,910</td>
<td>947</td>
<td>943</td>
<td>4</td>
<td>935</td>
<td>934</td>
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<tr>
<td>White (not of Hispanic origin)</td>
<td>14,093</td>
<td>891</td>
<td>888</td>
<td>3</td>
<td>882</td>
<td>878</td>
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<tr>
<td><strong>District</strong></td>
<td><strong>25,098</strong></td>
<td><strong>887</strong></td>
<td><strong>882</strong></td>
<td><strong>5</strong></td>
<td><strong>876</strong></td>
<td><strong>872</strong></td>
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# Poway Unified School District

**Adequate Yearly Progress by Grade Span**

**Spring 2011**

**Grades 2-5**

<table>
<thead>
<tr>
<th></th>
<th>ELA Percent Proficient</th>
<th>Math Percent Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Districtwide</strong></td>
<td>81</td>
<td>81</td>
</tr>
<tr>
<td>African American</td>
<td>66</td>
<td>68</td>
</tr>
<tr>
<td>American Indian</td>
<td>59</td>
<td>63</td>
</tr>
<tr>
<td>Asian</td>
<td>89</td>
<td>90</td>
</tr>
<tr>
<td>Filipino</td>
<td>78</td>
<td>81</td>
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<tr>
<td>Hispanic</td>
<td>64</td>
<td>63</td>
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<tr>
<td>Pacific Islander</td>
<td>69</td>
<td>71</td>
</tr>
<tr>
<td>White</td>
<td>83</td>
<td>83</td>
</tr>
<tr>
<td>English Learner</td>
<td>68</td>
<td>71</td>
</tr>
<tr>
<td>Low Socio-Economic</td>
<td>58</td>
<td>59</td>
</tr>
<tr>
<td>Special Ed</td>
<td>54</td>
<td>58</td>
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</table>

**Spring 2011**

**Grades 6-8**

<table>
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<tr>
<th></th>
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<tr>
<td><strong>Districtwide</strong></td>
<td>79</td>
<td>80</td>
</tr>
<tr>
<td>African American</td>
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<td>60</td>
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<td>77</td>
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<tr>
<td>Asian</td>
<td>88</td>
<td>89</td>
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<tr>
<td>Filipino</td>
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<td>78</td>
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<tr>
<td>Hispanic</td>
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<td>64</td>
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<tr>
<td>Pacific Islander</td>
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<td>68</td>
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<tr>
<td>White</td>
<td>82</td>
<td>82</td>
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<tr>
<td>English Learner</td>
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<td>65</td>
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<tr>
<td>Low Socio-Economic</td>
<td>52</td>
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<tr>
<td>Special Ed</td>
<td>39</td>
<td>45</td>
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### Poway Unified School District

#### Adequate Yearly Progress by Grade Span

**Spring 2011**

**Grades 10**

<table>
<thead>
<tr>
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<th>ELA Percent Proficient</th>
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<tbody>
<tr>
<td><strong>Districtwide</strong></td>
<td>78</td>
<td>77</td>
</tr>
<tr>
<td>African American</td>
<td>60</td>
<td>60</td>
</tr>
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<td>83</td>
</tr>
<tr>
<td>Asian</td>
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<tr>
<td>Filipino</td>
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<td>Hispanic</td>
<td>65</td>
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<td>Pacific Islander</td>
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<td>64</td>
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<tr>
<td>White</td>
<td>82</td>
<td>80</td>
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<tr>
<td>English Learner</td>
<td>39</td>
<td>45</td>
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<tr>
<td>Low Socio-Economic</td>
<td>48</td>
<td>50</td>
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<tr>
<td>Special Ed</td>
<td>35</td>
<td>32</td>
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### Poway Unified School District

#### 2009-2010 Graduation and Drop Out Rates

<table>
<thead>
<tr>
<th>Students</th>
<th>Graduates</th>
<th>Graduation Rate</th>
<th>Drop Outs</th>
<th>Drop Out Rate</th>
<th>Continued Enrolled</th>
<th>Continued Enrolled Rate 2.5</th>
<th>GED Rate</th>
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<tbody>
<tr>
<td>2,671</td>
<td>2,538</td>
<td>95.0</td>
<td>63</td>
<td>2.4</td>
<td>66</td>
<td>0.2</td>
<td></td>
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</table>

**Poway Unified School District 2010-2011 CAHSEE Pass Rate for Graduates:** 99.9%
Parent Comments on the PUSD General Education Waiver, Requesting to Continue Waiver to Increase Maximum Class Averages at Grades 4 – 8

The group expressed understanding and general agreement with the need for and the continuation of the waiver. There were noted concerns and suggestions from members:

- Elementary classes are already too large at the elementary level, and the group would like to see class sizes reduced across the district at the earliest possible date.
- The potential long-term impact of large class size on overall academic achievement, behavior, and teacher morale.
- Explore potential cuts in other areas before, even though they recognize that the district initiated significant cuts in prior years to keep from impacting class size and teaching and learning.

The district representative shared student academic data which indicated continued growth in many of the primary performance measures. The group asked that if academic performance had not been sustained or increased, would the district have requested an extension to this waiver. The district representative restated this was an action of last resort and that cuts of an equitable amount, of $1.4 million per year were not available.

District Advisory Committee (DAC) input will be shared at the October 10, 2011 School Board Meeting, and included in the waiver request being submitted to the California Department of Education.
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: 

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

CD CODE
3 3 7 5 1 9 2

Local educational agency: Temecula Valley Unified School District
Contact name and recipient of approval/denial notice: Jodi McClay
Contact person’s e-mail address: mmcclay@tvusd.k12.ca.us

Address: 31350 Rancho Vista Rd
(City) Temecula
(State) CA
(ZIP) 92592

Phone (and extension, if necessary): (951) 506 - 7910
Fax Number: (951) 695 -7121

Period of request: (month/day/year)
From: 7/1/2012 To 6/30/2014

Local board approval date: (Required) November 8, 2011
Date of public hearing: (Required) November 8, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 41376 (b) and (e)
   Circle One: (EC) or CCR

   Topic of the waiver: Exceed current class size limits in grades 4 – 8 (increase from 32 – 34 average)

2. If this is a renewal of a previously approved waiver, please list Waiver Number: NO and date of SBE Approval

3. Collective bargaining unit information. Does the district have any employee bargaining units? ☐ No  X Yes  If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): September 30, 2011
   Name of bargaining unit and representative(s) consulted: Chris Lindberg – TVEA President
   Temecula Valley Educators Association
   The position(s) of the bargaining unit(s): X Neutral ☐ Support ☐ Oppose (Please specify why)
   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?
   X Notice in a newspaper  X Notice posted at the following schools: Chaparral High School, French Valley Elementary School, Bella Vista Middle School, Vail Ranch Middle School,  X Other: (Please specify)
   http://tvusd.csbaagendaonline.net/cgi-bin/WebObjects/tvusd-eAgenda.woa

5. Advisory committee/School site councils. Please identify the council(s) or committee that reviewed this waiver:
   District Advisory Committee
   Date the committee/council reviewed the waiver request: September 30, 2011

   Were there any objection(s)? No ☐  Yes ☑ (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

**See Attached**

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

**See Attached**

8. Demographic Information:
   Temecula Valley Unified School District has a student population of 28,507 and is located in an urban city in Riverside County.

9. For a renewal waiver only, district also must certify:  
   - True  False  
     - The facts that precipitated the original waiver request have not changed.  
     - The remedy for the problem has not changed.  
     - Members of the local governing board and district staff are not aware of the existence of any controversy over the implementation of this waiver or the request to extend it.

Renewals of General Waivers must be submitted two months before the active waiver expires. The local governing board must approve the renewal request. Retroactive waivers must go through the First Time Waiver Process.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**  
- No  X  Yes  
  (If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?**  
- No  X  Yes  
  (If yes, please attach explanation or copy of CCR finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SUPERINTENDENT</td>
<td>October 19, 2011</td>
</tr>
</tbody>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

<table>
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<tr>
<th>Staff Name (type or print):</th>
<th>Staff Signature:</th>
<th>Date:</th>
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</table>

<table>
<thead>
<tr>
<th>Unit Manager (type or print):</th>
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</table>

<table>
<thead>
<tr>
<th>Division Director (type or print):</th>
<th>Division Director Signature:</th>
<th>Date:</th>
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</table>

<table>
<thead>
<tr>
<th>Deputy (type or print):</th>
<th>Deputy Signature:</th>
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</table>
Item # 6

To Waive the Class Size Penalty (Grades 4-8) Prospectively
EC 41376 (b) and (e)

41376. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.

For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.

(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:

(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.

(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to
subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.

(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 41601 by this total amount.

**Item #7**

The district requests a waiver to increase the district-wide average number of pupils per each full-time equivalent (FTE) teacher from the current 32 per FTE (per EC 41376) to 34 per FTE in grades 4 through 8. The current staffing average in the Temecula Valley Unified School District is 32 per FTE in the targeted grade levels.

In light of the current statewide budget crisis and the reduced revenue to our school district, the potential to increase class size allows us to lower expenditures by reducing staff or not replacing staff lost to natural attrition. By allowing the district to increase class size to 34, we anticipate a potential expenditure reduction of nearly 2 million dollars, which would directly influence district’s operations and ability to provide necessary services for our students in a positive way.
# General Waiver

**SUBJECT**

Request by seven local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

<table>
<thead>
<tr>
<th>Waiver Number: Meadows Union Elementary 17-12-2011</th>
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<tr>
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<tr>
<td>Mendota Unified 38-11-2011</td>
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<tr>
<td>Mt. Diablo Unified 88-12-2011</td>
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<td>Pittsburg Unified 58-12-2011</td>
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<td>Salinas City Elementary 69-12-2011</td>
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<tr>
<td>Salinas City Elementary 72-12-2011</td>
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**RECOMMENDATION**

- [ ] Approval  
- [x] Approval with conditions  
- [ ] Denial

See Attachments 1, 3, 5, 7, 9, 11, 13, 15, 17, and 19 for details.

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

The California Department of Education (CDE) Waiver Office has previously presented waivers regarding revising the class size reduction requirements (CSR) under the Quality Education Investment Act (QEIA) to the State Board of Education (SBE).

**SUMMARY OF KEY ISSUES**

### Class Size Reduction

Schools participating in the QEIA Program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.
SUMMARY OF KEY ISSUES (Cont.)

QEIA schools are required to reduce class sizes by five students compared to class sizes in the base year (either 2005–06 or 2006–07), or to an average of 25 students per classroom, whichever is lower, with no more than 27 students per classroom regardless of the average classroom size. The calculation is done by grade level, as each grade level has a target average class size based on QEIA CSR rules. For small schools with a single classroom at each grade level, some grade level targets may be very low. If, for example, a school had a single grade four classroom of 15 students in 2005–06, the school’s target QEIA class size for grade four is ten students. Absent a waiver, an unusually low grade level target may result in a greater number of combination classes at the school, or very small classes at the grade level, which is prohibitively costly and may result in withdrawal or termination from the program.

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). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed; (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request; (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees; (4) Pupil or school personnel protections are jeopardized; (5) Guarantees of parental involvement are jeopardized; (6) The request would substantially increase state costs; and (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

FISCAL ANALYSIS (AS APPLICABLE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the CSR targets based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: Meadows Union Elementary School District Request 17-12-2011 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 2: Meadows Union Elementary School District General Waiver Request 17-12-2011 (3 pages) (Original waiver request is signed and on file in Waiver Office.)
Attachment 3: Meadows Union Elementary School District Request 18-12-2011 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 4: Meadows Union Elementary School District General Waiver Request 18-12-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Mendota Unified School District Request 38-11-2011 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 6: Mendota Unified School District General Waiver Request 38-11-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Mt. Diablo Unified School District Request 88-12-2011 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)

Attachment 8: Mt. Diablo Unified School District General Waiver Request 88-12-2011 (11 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Oxnard School District Request 13-12-2011 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 10: Oxnard School District General Waiver Request 13-12-2011 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Pittsburg Unified School District Request 58-12-2011 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)

Attachment 12: Pittsburg Unified School District General Waiver Request 58-12-2011 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: Placentia-Yorba Linda Unified School District Request 4-11-2011 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 14: Placentia-Yorba Linda Unified School District General Waiver Request 4-11-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 15: Salinas City Elementary School District Request 69-12-2011 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)
ATTACHMENT(S) (Cont.)

Attachment 16: Salinas City Elementary School District General Waiver Request 69-12-2011 (7 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 17: Salinas City Elementary School District Request 70-12-2011 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)

Attachment 18: Salinas City Elementary School District General Waiver Request 70-12-2011 (7 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 19: Salinas City Elementary School District Request 72-12-2011 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)

Attachment 20: Salinas City Elementary School District General Waiver Request 72-12-2011 (7 pages) (Original waiver request is signed and on file in the Waiver Office.)
Waiver Number: 17-12-2011  Period of Request: August 29, 2011, to June 30, 2014
Period Recommended: July 1, 2011, to June 29, 2013
Meadows Elementary School  CDS Code: 13 63198 6008619
Meadows Union Elementary School District

Local Educational Agency Request:

Meadows Union Elementary School District (UESD) is a rural single school district located in Imperial County. Meadows Elementary School (ES) has a student population of approximately 476 students serving kindergarten and grades one through eight (K–8). The district met the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) in school year 2010–11 and is asking for an alternative QEIA CSR target in years 2011–12 through 2013–14 for grades six and seven. The district’s current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science in K–8 were 20.44 (K–3), 21.5, 18.5, 24.0, 23.0, and 25.0, respectively.

Meadows UESD states that the QEIA CSR target adjustments are necessary for grades six and seven; otherwise, it will be forced to reassign students among five different teachers as enrollments change during the year. Also, this establishes the same target for grades six through eight.

Meadows UESD requests a waiver of the QEIA CSR targets for grades six and seven at Meadows ES for school years 2011–12 through 2013–14 and the establishment of an alternative CSR target of 25.0 per class on average in grades six and seven.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) does not support the LEAs request for a three year waiver. The CDE recommends a two year minus one day waiver for Meadows UESD’s request to increase its CSR targets for grades six and seven at Meadows ES. The alternative target is consistent with the intent of QEIA to ensure that students at funded schools benefit from lower class sizes.

The CDE recommends approval with the following conditions: (1) Applies only to grade six and seven classes at Meadows ES for school years 2011–12 and 2012–13; (2) Meadows ES increase to 25.0 the class size on average in core classes at the school level in grades six and seven in the 2011–12 and 2012–13 school year; and (3) Within 30 days of approval of this waiver, Meadows UESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.


Supported by Meadows Union Teachers Association, November 28, 2011.

Local Board Approval: December 13, 2011.
1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Circle One: EC or CCR

   Topic of the waiver: portions of EC 52022.74

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______

   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No __x__ Yes   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):  11/28/2011

   Name of bargaining unit and representative(s) consulted: Dana Cato, neg. rep, Meadows Union Teachers’ Assoc. / Denise Studer, president, Meadows Union Teachers’ Association

   The position(s) of the bargaining unit(s): __ Neutral __x__ Support __ Oppose (Please specify why)

   Comments (if appropriate): The waiver would provide for a stable class size of 25.0 in grades 6, 7, 8 at Meadows Union School. Because of the small numbers of students, the CSR requires a combination class. It would be easier to assign students to either 6/7 or 7/8 if the overall grade level CSRs were the same. Teachers are in support of this

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper __x__ Notice posted at each school ___x__ Other: Through parent newsletter bulletin

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Meadows Union School Site Council

   Date the committee/council reviewed the waiver request: 11/30/2011

   Were there any objection(s)? No __x__ Yes ___ (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

QEIA Class Size Reduction
52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third year full year of funding:

(1) Meet all of the following class size requirements:
   (A) For kindergarten and grades 1 to 3 inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 commencing with Section 52120)

   (B) For self-contained classrooms in grades 4 to 8, inclusive an average classroom size that is the lesser of clause (i) or (ii) as follows:

   (i) at least five pupils fewer per classroom than was the average in 2005-06

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Requested Outcome – Meadows Union School District is a small single school district with total K-8 enrollment of 476 students. Middle grade classes (6th/7th/8th) are in self-contained classes with teamed teaching of science and social studies. The District is requesting a waiver of QEIA target class size reduction (CSR) for the 6th and 7th grade to a new target of 25.0, the same as the 8th grade target

Current QEIA class size targets are as follows:
Grade 6 – 24.0
Grade 7 – 23.0
Grade 8 – 25.0

GRADE 6 and 7

The school currently has one 6th & 7th grade combination class, two 6th grade classes and two 8th grade classes. There is an over enrollment of one student in grade 7 at the present time. In order to maintain the CSR target of 23 in the 7th grade, the district will be forced to reassign students among 5 teachers as enrollments have changed during the year and the combination class is at max of 24 for 6th grade CSR. The District believes that allowing CSR target number to be the same all middle grade classes (25.0) maintaining classes would be easier and students would not have to be shuffled around either this year or in future years.

Class Size Reduction Information Worksheet is attached.

8. Demographic Information:

Meadows Union School has a student population of 476 and is located in a rural area, 5 miles from the closest town (El Centro) in Imperial County.
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<thead>
<tr>
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<td>(per EC 41344)</td>
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<td>No</td>
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<tr>
<td>(If yes, please attach explanation or copy of audit finding)</td>
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<td>Has there been a Categorical Program Monitoring (CPM) finding on this</td>
<td></td>
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<td>issue? (If yes, please attach explanation or copy of CPM finding)</td>
<td>Yes</td>
<td>No</td>
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**District or County Certification** — *I hereby certify that the information provided on this application is correct and complete.*

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<thead>
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<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
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<tr>
<td></td>
<td>Superintendent/ Principal</td>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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Waiver Number: 18-12-2011  Period of Request: August 29, 2011, to June 14, 2012
Period Recommended: August 29, 2011, to June 14, 2012
Meadows Elementary School  CDS Code: 13 63198 6008619
Meadows Union Elementary School District

Local Educational Agency Request:

Meadows Union Elementary School District (UESD) is a rural single school district located in Imperial County. Meadows Elementary School (ES) has a student population of approximately 476 students serving kindergarten and grades one through eight (K–8). The district met the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) in school year 2010–11 and is asking for an alternative QEIA CSR target in year 2011–12. The district’s current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science in K–8 were 20.44 (K–3), 21.5, 18.5, 24.0, 23.0, and 25.0, respectively.

Meadows UESD states that allowing the classroom average in kindergarten to exceed 20.44 students for the 2011–12 school year will be more effective than reassigning one-third of students in mid-year with a new teacher. The waiver will allow the school to keep students with their current teachers, where classes are well managed, and continue to provide students and teachers with additional support through an instructional aide.

Meadows UESD requests a waiver of the QEIA CSR targets for kindergarten at Meadows ES for school years 2011–12 and the establishment of an alternative CSR target of 23.5 per class in kindergarten.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Meadows UESD’s request to increase its CSR target for kindergarten at Meadows ES. The alternative target is consistent with the intent of QEIA to ensure that students at funded schools benefit from lower class sizes.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten classes at Meadows ES for school year 2011–12; (2) Meadows ES increase to 23.5 the kindergarten class size in the 2011–12 school year; and (3) Within 30 days of approval of this waiver, Meadows UESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.


Supported by Meadows Union Teachers Association, November 15, 2011.

Local Board Approval: December 13, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST
GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  _X__  
Renewal Waiver:  ____  

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814  

Send Electronic copy in Word and  
back-up material to:  waiver@cde.ca.gov

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Local educational agency:  
**Meadows Union Elementary School District**

Sue M. Hess, Principal/Superintendent  
Contact person’s e-mail address:  smhess@ivnet.org

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<th>(City)</th>
<th>(State)</th>
<th>(ZIP)</th>
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<td>2059 Bowker Road</td>
<td>El Centro</td>
<td>CA</td>
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<th>Local board approval date:</th>
<th>(Required)</th>
<th>Date of public hearing:</th>
<th>(Required)</th>
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LEGAL CRITERIA

1. Under the general waiver authority of **Education Code** 33050-33053, the particular **Education Code** or **California Code of Regulations** section(s) to be waived (number):  
   Circle One:  EC or CCR

   Topic of the waiver:  **portions of EC 52022.74**

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  ____  and date of SBE Approval______

   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  __ No _X_ Yes  
   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):  11/15/2011

   Name of bargaining unit and representative(s) consulted:  Dana Cato, neg. rep, Meadows Union Teachers’ Assoc.

   The position(s) of the bargaining unit(s):  __ Neutral  _X_ Support  __ Oppose (Please specify why)

   Comments (if appropriate):  Reducing class size at this time would require moving Kindergarteners within the two classes to three classes and require students to be resettled into new classrooms with a new teacher. The Teachers’ Association supports maintaining the larger classes with additional instructional aide support, which is being currently provided.

4. Public hearing requirement:  
   A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?  
   ____ Notice in a newspaper  _X_ Notice posted at each school  _X_ Other: Through parent newsletter bulletin

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
**Meadows Union School Site Council**

   Date the committee/council reviewed the waiver request:  11/30/2011

   Were there any objection(s)?  No  _X_ Yes  
   (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

QEIA Class Size Reduction
52055.740  (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third year full year of funding:

(1) Meet all of the following class size requirements:

(A) For kindergarten and grades 1 to 3 inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 commencing with Section 52120)

(B) For self-contained classrooms in grades 4 to 8, inclusive an average classroom size that is the lesser of clause (i) or (ii) as follows:

(i) at least five pupils fewer per classroom than was the average in 2005-06

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Requested Outcome – Meadows Union School District is a small single school district with total K-8 enrollment of 476 students. The District is requesting a waiver of QEIA target class size reduction (CSR) for the Kindergarten classes (2 classrooms) to a new target size of 23.5 for the 2011-12 school year only.

**KINDERGARTEN**

Due to the small number of classes per grade level and the low projected Kinder enrollment (37) at the beginning of the school year, the primary grades were set up with 2 Kindergarten classes; 2 First grade classes; 2 Second grade classes and one combination Gr. 1-2. The Kinder classes had enrollments of 21 and 22 students respectfully, on the first day of school. Usually there is some drop in enrollment during the first weeks, but there has been none and the enrollment has increased by one student to each class during the first quarter.

At this time, there are 45 Kinders enrolled in two classes and all other primary classes are at 18-20. Since there are no other schools or classes in the District that can take this overload, the overload will require extensive class changes at mid-January to maintain the CSR requirement of 20.4. The District would need to add an additional teacher and reassign 16-20 students from their current teachers. We are not able to move the students to a combination K-1 because all other primary classes are full. Additionally, the teachers find the combination classes difficult to manage due to the requirements of the new language arts programs. The school has few options beyond extremely small classes (13-15) or combination classes.

The District believes that allowing the classroom average in Kindergarten to exceed 20 students for the 2011-12 school year will be more effective than reassigning 1/3 of students in mid-year with a new teacher. The waiver will allow the school to keep students with their current teachers, where the classes are now well-managed and continue to provide students and teachers with additional support through an instructional aide assigned to the program.

Class Size Reduction Information Worksheet is attached.

8. Demographic Information:
Meadows Union School has a student population of 476 and is located in a rural area, 5 miles from the closest town (El Centro) in Imperial County.
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**District or County Certification** — *I hereby certify that the information provided on this application is correct and complete.*

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<th>Title: Superintendent/ Principal</th>
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<td>Deputy (type or print):</td>
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Waiver Number: 38-11-2011  Period of Request: August 16, 2010, to June 8, 2011
Period Recommended: August 16, 2010, to June 8, 2011
McCabe Elementary School
Mendota Unified School District

CDS Code: 10 75127 6006969

Local Educational Agency Request:

Mendota Unified School District (USD) is a rural school district located in Fresno County and has a student population of approximately 2,779 students. McCabe Elementary School (ES) serves 853 students in grades three through six. Monitoring performed by the Fresno County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by McCabe ES in two third grade classes for the 2010–11 school year. Mendota USD was previously granted a QEIA Class Size Reduction waiver for grade six at McCabe ES in May 2010 by the State Board of Education.

Mendota USD states that the QEIA CSR target was missed because of lack of district oversight and knowledge of QEIA requirements at the school level. The problem has since been corrected and monitoring is scheduled throughout the current year to ensure compliance. Projections provided by the district show that McCabe ES is in full compliance with QEIA CSR requirements for 2011–12.

Mendota USD is requesting a waiver for exceeding its CSR target in two third grade classes at McCabe ES by .49 and .27, respectively.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Mendota USD’s request that CSR requirements for two third grade classes at McCabe ES be waived for school year 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to grade three classes at McCabe ES for school year 2010–11; (2) McCabe ES meet the CSR requirements in 2011–12 and all subsequent years the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, Mendota USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by McCabe Elementary Schoolsite Council on November 9, 2011.

Supported by Mendota Teachers Association, November 9, 2011.

Local Board Approval: November 29, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ✓
Renewal Waiver: ___

Local educational agency:
Mendota Unified School District

Contact name and Title:
Jose Ochoa, Director of State and Federal Programs

Contact person’s e-mail address:
jochoa@mendotausd.k12.ca.us

Address: 115 McCabe Avenue
(Minital) Mendota (State) CA (ZIP) 93640

Phone (and extension, if necessary): (559) 655-2503
Fax Number: (559) 655-3226

Period of request: From: August 16, 2010 To: June 8, 2011

Local board approval date: November 29, 2011

Date of public hearing: November 29, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):

   Circle One: EC or CCR

Snapath of the waiver: QEIA Class Size Reduction Target

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____

   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? _ No ✓ Yes
   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): November 9, 2011

   Name of bargaining unit and representative(s) consulted: Mendota Teacher’s Association (MTA): Shelley Duttarer & Sarah Marshall

   The position(s) of the bargaining unit(s): □ Neutral ✓ Support □ Oppose (Please specify why)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   □ Notice in a newspaper ✓ Notice posted at each school □ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

McCabe Elementary School Site Council: Mrs. Esther Kaercher, Mr. Luis Beltran, Mrs. Sandra Coronado, Mrs. Martha Gonzalez, Mrs. Sonya Gonzalez, Mrs. Bernice Velez, Mrs. Sarah Marshall, Ms. Shelley Duttarer, Mrs. Christina Porras, Mrs. Laura Martinez

   Date the committee/council reviewed the waiver request: November 9, 2011

   Were there any objection(s)? _ No ✓ Yes (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(i) Meet all of the following class size requirements:
   (A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).
   (B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
   (i) At least five pupils fewer per classroom than was the average in 2006-2007.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

McCabe Elementary is part of the Mendota Unified School District, a small isolated rural district on the Westside of Fresno County. McCabe is the only 3rd through 6th grade school in the district. During the 2010-2011 school year, Mendota Unified experienced some political controversies and turmoil, which resulted in vacancies of district level positions. Due to the political climate, turmoil, lack of district oversight, and lack of knowledge of the QEIA requirements at the site level, the class average for 3rd grade were improperly monitored. McCabe Elementary’s overall 3rd grade level average for 2010-2011 was 19.78. Two classrooms posted averages of 20.93 and 20.71 respectively, the remaining 8 third grade classrooms posted averages well below the 20.44 requirement. This problem could have easily been corrected by moving 1 student from each of the two classrooms and placing each of those students in classrooms that had 19 students or less. There was no need to hire additional teachers or to create additional classrooms to accommodate the overage in those two classrooms and meet QEIA class size reduction requirements (please see below):

<table>
<thead>
<tr>
<th>3rd Grade classrooms</th>
<th>2010-2011</th>
<th>2011-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Room D</td>
<td>20:1 ratio</td>
<td>20:1 ratio</td>
</tr>
<tr>
<td>Room E</td>
<td>20:1 ratio</td>
<td>20:1 ratio</td>
</tr>
<tr>
<td>Room F</td>
<td>21:1 ratio</td>
<td>20:1 ratio</td>
</tr>
<tr>
<td>Room G</td>
<td>19:1 ratio</td>
<td>20:1 ratio</td>
</tr>
<tr>
<td>Room H</td>
<td>20:1 ratio</td>
<td>20:1 ratio</td>
</tr>
<tr>
<td>Room I</td>
<td>20:1 ratio</td>
<td>20:1 ratio</td>
</tr>
<tr>
<td>Room J</td>
<td>20:1 ratio</td>
<td>20:1 ratio</td>
</tr>
<tr>
<td>Room K</td>
<td>21:1 ratio</td>
<td>20:1 ratio</td>
</tr>
<tr>
<td>Room L</td>
<td>19:1 ratio</td>
<td>20:1 ratio</td>
</tr>
<tr>
<td>Room O</td>
<td>19:1 ratio</td>
<td>19:1 ratio</td>
</tr>
</tbody>
</table>

The problem has since been corrected (please see above). The current site principal and the district QEIA Coordinator have met several times to discuss all QEIA requirements and to monitor class size requirements according to QEIA stipulations. Furthermore, meetings have been scheduled throughout the 2011-2012 school year to continue the monitoring process.

The steps that the District has already taken will alleviate the monitoring problem that occurred during the 2010-2011 school year. Additionally, the District firmly believes that the QEIA Program is a primary reason why the students of McCabe have experienced tremendous academic success. Since the implementation of the QEIA Program, McCabe’s API score has increased by 147 points. In addition, McCabe’s English language arts proficiency rate increased from 18.9% to 47% and its math proficiency rate increased from 29.9% to 71.1%. The District also feels that eliminating the QEIA Program will have a negative impact to the academic success of McCabe students; therefore, a waiver of the 20.44 rule per class for the 2010-2011 school year is requested.
8. **Demographic Information:**
   Mendota Unified, McCabe Elementary has a student population of 853 and is located in a rural community in Fresno County.

<table>
<thead>
<tr>
<th>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</th>
<th>No ☑</th>
<th>Yes ☐</th>
</tr>
</thead>
</table>

(If yes, please attach explanation or copy of audit finding)

<table>
<thead>
<tr>
<th>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</th>
<th>No ☑</th>
<th>Yes ☐</th>
</tr>
</thead>
</table>

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mike Crass</td>
<td>Interim-Superintendent</td>
<td>November 30, 2011</td>
</tr>
</tbody>
</table>

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

<table>
<thead>
<tr>
<th>Staff Name (type or print):</th>
<th>Staff Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Unit Manager (type or print):</th>
<th>Unit Manager Signature:</th>
<th>Date:</th>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Division Director (type or print):</th>
<th>Division Director Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>

| Deputy (type or print): | Deputy Signature: | Date: |
Waiver Number: 88-12-2011  Period of Request: July 1, 2010, to June 30, 2012
Period Recommended: July 1, 2011, to June 29, 2012

Mt. Diablo High School
Mt. Diablo Unified School District

Local Educational Agency Request:

Mt. Diablo Unified School District (USD) is located in Contra Costa County and has a student population of approximately 34,116 students. Mt. Diablo High School (HS) serves 1,454 students in grades nine through twelve. Monitoring performed by the Contra Costa County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Mt. Diablo HS in four grade eleven classes and two grade twelve classes for the 2010–11 school year. Mt. Diablo HS met the QEIA average class size requirements but exceeded the QEIA class size cap of 27 students per classroom.

Mt. Diablo USD states that the high school has consistently had significant administrative and staff turnover, which made the training, scheduling, and execution of the master schedule difficult. The district states that there was also simultaneous turnover of QEIA staff at the district level that affected the QEIA CSR calculation requirements. Mt. Diablo USD states that, when determining which courses count as core, staff did not include six pre-honors or advanced placement classes. The district states that it has taken steps to ensure that there are no more than 27 students in each core class and will be compliant at the end of the current semester; further, the district anticipates full compliance with QEIA CSR requirements for 2011–12.

Mt. Diablo USD is requesting a waiver for exceeding the QEIA class size cap of 27 students per core classroom for four grade eleven classes and two grade twelve classes at Mt. Diablo HS in 2010–11. Although the district anticipates full compliance with this requirement by the end of the current school year, it is also requesting a waiver for exceeding the 27-student cap per core classroom requirement in 2011–12.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Mt. Diablo USD’s request that the QEIA 27-student cap per core classroom be waived for four grade eleven classes and two grade twelve classes at Mt. Diablo HS for school year 2010–11. The CDE also supports Mt. Diablo’s similar request for waiver of the QEIA 27-student cap per core classroom CSR requirement for school year 2011–12, based on the district’s assertion that the school will meet its target by the end of the current year.

The CDE recommends approval with the following conditions: (1) Applies only to four grade eleven classes and two grade twelve classes at Mt. Diablo HS for school year 2010–11; (2) Applies to grades nine through twelve at Mt. Diablo HS for school year 2011–12; (3) Within 30 days of approval of this waiver, Mt. Diablo HS USD must provide to the CDE a description, including costs covered by QEIA funds, of professional
development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.


Supported by Mt. Diablo Education Association, December 16, 2011.

**Local Board Approval:** January 9, 2012.
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (Rev. 10-2-09)   http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:  Waiver Office, California Department of Education
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

First Time Waiver: X  
Renewal Waiver: ___

Send Electronic copy in Word and 
back-up material to: waiver@cde.ca.gov

CD CODE
0 7 6 1 7 5 4

<table>
<thead>
<tr>
<th>Local educational agency:</th>
<th>Contact name and title:</th>
<th>Contact person’s e-mail address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mt. Diablo Unified School District</td>
<td>Lorie O’Brien, Assist. Director, Categoricals &amp; Student Achievement &amp; School Support</td>
<td><a href="mailto:obrienl@mdusd.org">obrienl@mdusd.org</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address: (City)</th>
<th>(State)</th>
<th>(ZIP)</th>
<th>Phone (and extension, if necessary):</th>
</tr>
</thead>
<tbody>
<tr>
<td>1936 Carlotta Drive</td>
<td>Concord</td>
<td>California</td>
<td>94519</td>
</tr>
<tr>
<td>Fax Number:</td>
<td>(925) 689-1466</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Period of request: (month/day/year)</th>
<th>Local board approval date: (Required)</th>
<th>Date of public hearing: (Required)</th>
</tr>
</thead>
</table>

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  52055.740  Circle One: EC or CCR

   Topic of the waiver: The Mt. Diablo Unified School District (MDUSD) is requesting a waiver, on behalf of Mt. Diablo High School, to waive Quality in Education Investment Act (QEIA) Education Code section 52055.740 (C)(i). Specifically, Mt. Diablo High School is requesting waiving exit from QEIA based on the Rule of 27. The term of the waiver being requested is July 1, 2010 – June 30, 2012

2. If this is a renewal of a previously approved waiver, please list Waiver Number: NA  and date of SBE Approval ______

   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  √ Yes  If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): December, 16, 2011

   Name of bargaining unit and representative(s) consulted: Mt. Diablo Education Association (MDEA)- Michael Langley, MDEA President

   The position(s) of the bargaining unit(s): __ Neutral  √ Support  __ Oppose (Please specify why)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   √ Notice in a newspaper  ___ Notice posted at each school  ___ Other: (Please specify)
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

School Site Council.

Date the committee/council reviewed the waiver request: Mt. Diablo High School’s SSC reviewed this waiver request on December 23, 2011

Were there any objection(s)?  No _ √_ Yes ___ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

52055.740.
(C) (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the schoolsite. If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Please see Addendum to Waiver Request, which responds to Questions #7

8. Demographic Information:
Mt. Diablo High School has a student population of 1454 and is located in a suburban area in the city of Concord in Contra Costa County.

<table>
<thead>
<tr>
<th>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</th>
<th>No ☐ Yes ☐</th>
</tr>
</thead>
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</tr>
</tbody>
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<td></td>
</tr>
</tbody>
</table>

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<p>| Signature of Superintendent or Designee: | Title: Assistant Superintendent, Student Achievement and School Support | Date: December 23, 2011 |</p>
<table>
<thead>
<tr>
<th>Role</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff Name (type or print)</td>
<td>Staff Signature</td>
<td>Date</td>
</tr>
<tr>
<td>Unit Manager (type or print)</td>
<td>Unit Manager Signature</td>
<td>Date</td>
</tr>
<tr>
<td>Division Director (type or print)</td>
<td>Division Director Signature</td>
<td>Date</td>
</tr>
<tr>
<td>Deputy (type or print)</td>
<td>Deputy Signature</td>
<td>Date</td>
</tr>
</tbody>
</table>
Relief Sought

This request for waiver for July 1, 2010 through June 30, 2012 is sought because Mt. Diablo High is seeking forgiveness for and to not be automatically terminated from QEIA for 6 Core classes that exceed the QEIA Rule of 27 during that period.

Although Mt. Diablo High exceeded the Rule of 27 in 6 Core classes, it is important to note that it has met or exceeded all other requirements of the statute as demonstrated more fully on Page 2 of this addendum to the waiver request. *(Attachment A: Chart of Target Core Averages and Total of Core Sections above 27)* Specifically, Mt. Diablo High’s school-wide API increased by 59 points between 2009 and 2011, which is the largest increase (9.5%) of any high school in the District over the same period.

The District’s QEIA funding supports approximately 22 teaching and 3.5 administrative and clerical full-time equivalencies with the 2011/12 estimated entitlement totaling $1,884,285. Continued QEIA funding is vital to the continued success of the under-served students in this large comprehensive high school.

Mt. Diablo High is a school in declining enrollment with students residing in the City of Concord as well as the unincorporated community of Bay Point, the latter of which is geographically isolated from the other high school feeder pattern areas of the district. Currently, 68% of Mt. Diablo High students receive free or reduced lunch and 23% of the student population is identified as English Language Learners. In the past two years, Mt. Diablo High has consistently exceeded API Growth Targets growing 59 points between 2009-2010 and 2010-2011, with a 3 year average of 13.3. In 2009-2010 all statistically significant sub-groups grew between 2 and 41 points. In 2010-2011, all statistically significant sub-groups grew between 19 and 42 points. During these two years, African American Students grew 81 points, Socio-economically Disadvantaged Students 60 points, English Language Learners 72 points, and Students with Disabilities 60 points - significantly narrowing the achievement gap for these students as well as others. Mt. Diablo High met all QEIA targets for 2010-2011 except the Rule of 27 in Core classes.

In 2009, Mt. Diablo High – the District’s only high school participating in QEIA - was the lowest performing high school in Mt. Diablo Unified School District (MDUSD) with an API of 618 - 55 points below the closest performing school and 237 points below the highest performing school. Since 2009, Mt. Diablo High increased their API by 59 points – the greatest gain among the 6 comprehensive high schools in our district – and is no longer the lowest performing high school. The other high schools range from an API gain of 6 to a decrease of 32. In brief, Mt. Diablo High is closing the gap faster than any other high school in our District and QEIA funds have played a significant role in making that happen. Mt. Diablo High grew in every subgroup. All the other high schools decreased in at least one subgroup of those listed below.
### Overall API Growth 2009 - 2011

<table>
<thead>
<tr>
<th>School</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>Growth to 2011</th>
<th>Percent of Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mt. Diablo High</td>
<td>618</td>
<td>651</td>
<td>677</td>
<td>59</td>
<td>9.54</td>
</tr>
<tr>
<td>Clayton Valley High</td>
<td>770</td>
<td>777</td>
<td>776</td>
<td>6</td>
<td>0.78</td>
</tr>
<tr>
<td>Northgate High</td>
<td>855</td>
<td>865</td>
<td>855</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>College Park High</td>
<td>786</td>
<td>804</td>
<td>785</td>
<td>-1</td>
<td>-0.13</td>
</tr>
<tr>
<td>Ygnacio Valley High</td>
<td>673</td>
<td>665</td>
<td>672</td>
<td>-1</td>
<td>-0.15</td>
</tr>
<tr>
<td>Concord High</td>
<td>742</td>
<td>727</td>
<td>710</td>
<td>-32</td>
<td>-4.31</td>
</tr>
</tbody>
</table>

Mt. Diablo High is making significant gains in closing the achievement gap for underserved students. It out-performed all other comprehensive high schools in our District in API growth for Black/African American, Hispanic, English Language Learner Students, Students with Disabilities, and Socio-Economically Disadvantaged Students. It is important to note that Mt. Diablo High serves a significantly higher proportion of disadvantaged students than any other high school in our district which makes their gains all the more impressive.

### Black/ African American  (number of students tested/API score)

<table>
<thead>
<tr>
<th>School</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>Growth to 2011</th>
<th>Percent of Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mt. Diablo High</td>
<td>117/582</td>
<td>125/621</td>
<td>103/663</td>
<td>81</td>
<td>13.92</td>
</tr>
<tr>
<td>Northgate High</td>
<td>15/NA</td>
<td>12/703</td>
<td>17/765</td>
<td>62</td>
<td>8.82</td>
</tr>
<tr>
<td>Clayton Valley High</td>
<td>41/NA</td>
<td>43/708</td>
<td>40/701</td>
<td>-7</td>
<td>-0.99</td>
</tr>
<tr>
<td>Concord High</td>
<td>37/NA</td>
<td>36/613</td>
<td>41/587</td>
<td>-26</td>
<td>-4.24</td>
</tr>
<tr>
<td>College Park High</td>
<td>32/NA</td>
<td>33/NA</td>
<td>36/712</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Ygnacio Valley High</td>
<td>53/NA</td>
<td>53/NA</td>
<td>53/658</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

### Hispanic  (number of students tested/API score)

<table>
<thead>
<tr>
<th>School</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>Growth to 2011</th>
<th>Percent of Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mt. Diablo High</td>
<td>591/578</td>
<td>618/619</td>
<td>600/650</td>
<td>72</td>
<td>12.46</td>
</tr>
<tr>
<td>Ygnacio Valley High</td>
<td>496/595</td>
<td>484/600</td>
<td>531/613</td>
<td>18</td>
<td>3.03</td>
</tr>
<tr>
<td>College Park High</td>
<td>198/708</td>
<td>238/749</td>
<td>276/729</td>
<td>21</td>
<td>2.97</td>
</tr>
<tr>
<td>Clayton Valley High</td>
<td>244/704</td>
<td>240/723</td>
<td>300/721</td>
<td>17</td>
<td>2.41</td>
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<tr>
<td>Concord High</td>
<td>279/692</td>
<td>347/659</td>
<td>397/627</td>
<td>-65</td>
<td>-9.39</td>
</tr>
<tr>
<td>Northgate High</td>
<td>81/NA</td>
<td>84/NA</td>
<td>88/762</td>
<td>NA</td>
<td>NA</td>
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</tbody>
</table>
### English Language Learners (number of students tested/API score)

<table>
<thead>
<tr>
<th>School</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>Growth to 2011</th>
<th>Percent of Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mt. Diablo High</td>
<td>455/539</td>
<td>465/577</td>
<td>443/611</td>
<td>72</td>
<td>13.36</td>
</tr>
<tr>
<td>Clayton Valley High</td>
<td>92/NA</td>
<td>115/578</td>
<td>141/608</td>
<td>30</td>
<td>5.19</td>
</tr>
<tr>
<td>Ygnacio Valley High</td>
<td>396/555</td>
<td>400/561</td>
<td>437/561</td>
<td>6</td>
<td>1.08</td>
</tr>
<tr>
<td>Concord High</td>
<td>145/NA</td>
<td>230/595</td>
<td>263/584</td>
<td>-11</td>
<td>-1.85</td>
</tr>
<tr>
<td>College Park High</td>
<td>109/NA</td>
<td>112/669</td>
<td>134/644</td>
<td>-25</td>
<td>-3.74</td>
</tr>
<tr>
<td>Northgate High</td>
<td>47/NA</td>
<td>43/NA</td>
<td>51/762</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

### Students with Disabilities (number of students tested/API score)

<table>
<thead>
<tr>
<th>School</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>Growth to 2011</th>
<th>Percent of Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mt. Diablo High</td>
<td>147/490</td>
<td>143/524</td>
<td>132/550</td>
<td>60</td>
<td>12.24</td>
</tr>
<tr>
<td>Northgate High</td>
<td>56/NA</td>
<td>50/664</td>
<td>68/645</td>
<td>-19</td>
<td>-2.86</td>
</tr>
<tr>
<td>Ygnacio Valley High</td>
<td>106/504</td>
<td>109/475</td>
<td>95/484</td>
<td>-20</td>
<td>-3.97</td>
</tr>
<tr>
<td>Clayton Valley High</td>
<td>108/593</td>
<td>111/584</td>
<td>110/558</td>
<td>-35</td>
<td>-5.90</td>
</tr>
<tr>
<td>College Park High</td>
<td>120/613</td>
<td>118/638</td>
<td>117/529</td>
<td>-84</td>
<td>-13.7</td>
</tr>
<tr>
<td>Concord High</td>
<td>133/591</td>
<td>149/517</td>
<td>172/502</td>
<td>-89</td>
<td>-15.06</td>
</tr>
</tbody>
</table>

### Socio-Economically Disadvantage Students (number of students tested/API score)

<table>
<thead>
<tr>
<th>School</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>Growth to 2011</th>
<th>Percent of Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mt. Diablo High</td>
<td>743/587</td>
<td>775/631</td>
<td>713/656</td>
<td>69</td>
<td>11.75</td>
</tr>
<tr>
<td>College Park High</td>
<td>197/656</td>
<td>237/715</td>
<td>281/688</td>
<td>32</td>
<td>4.88</td>
</tr>
<tr>
<td>Clayton Valley High</td>
<td>182/686</td>
<td>209/675</td>
<td>273/687</td>
<td>1</td>
<td>0.15</td>
</tr>
<tr>
<td>Ygnacio Valley High</td>
<td>533/618</td>
<td>561/611</td>
<td>586/617</td>
<td>-1</td>
<td>-0.16</td>
</tr>
<tr>
<td>Concord High</td>
<td>260/668</td>
<td>391/649</td>
<td>450/628</td>
<td>-40</td>
<td>-5.99</td>
</tr>
<tr>
<td>Northgate High</td>
<td>48/NA</td>
<td>60/NA</td>
<td>70/771</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Justification for Total Core Sections above 27**

There are several reasons that 6 classes at Mt. Diablo High exceeded the Rule of 27:

- Mt. Diablo High has consistently had significant administrative and staff turnover, which made the training, scheduling, and execution of the master schedule difficult at best. Currently, only about 50% of Mt. Diablo High’s 91 certificated teachers have been there more than four years. Mt. Diablo High has had 3 different principals since 2008/09, the last 2 of whom were spending their first year as principals at a large comprehensive high school with under-served populations. In 2009/10, the administrative team included a new principal, one new vice principal, and a new student services coordinator. When the current Mt. Diablo High principal, Kathleen McClatchy, was assigned at the beginning of the 2010/11 school year, the school had
another new vice-principal and a new student services coordinator. Also, by the time Ms. McClatchy and the new team arrived, the master schedule had already been completed by a former vice-principal and former principal, neither of whom had significant experience nor training preparing the master schedule for a school of comparable size. In some cases, prior administrators left scheduling responsibilities to staff who had more experience at the site but who were either new administrators and/or lacked sufficient knowledge to do scheduling.

• In addition to turn-over in the Mt. Diablo High administrative team, there was a simultaneous turnover and restructuring at the District-Level of those administrators who were responsible for QEIA compliance. Therefore current District-Level staff is also new to QEIA mandates and calculation requirements.

• It appears that in determining which courses to count as Core, staff did not include 6 Pre-Honors or Advanced Placement classes. As the District investigated this, it discovered that there were several inaccuracies in the end of year QEIA Class Size Reduction data submitted to the Contra Costa County Office of Education (CCCOE). Specifically, the District learned that Mt. Diablo High Staff was under the impression that because some classes are not “required” for graduation, they could not be counted in the master schedule as Core courses for purposes of calculating the QEIA Rule of 27. CCCOE and the Northern California QEIA Assistance Center agreed on October 6, 2011, that the Non-Core Class Size Target should be 29.03 based on a data correction that was done the prior year. At the time of submission of this waiver, the auto-fill of that field on the submission report had not been updated by LACOE. Northern California QEIA Assistance Center assured the District on December 23, 2011, that this would be updated to the correct number. December 19, 2011, CCCOE and the Northern California QEIA Assistance Center agreed Mt. Diablo Unified Staff could recalculate the QEIA Class Size Reduction data while ensuring the correct courses were included. This data recalculation resulted in a slight change in QEIA Class Size Reduction Core Target Averages - while still remaining under the targets, a decrease in the number of Core classes over 27, and a significant decrease in Non-Core Averages resulting in compliant Non-Core Averages. Staff resubmitted Class Size Reduction Summary Report Secondary to the CCCOE. The change in Core Averages underscores the impact of not including those classes in Core that should have been included. *(Attachment B: Original Submission of Class Size Reduction Summary Report Secondary, Attachment C: Resubmission of Class Size Reduction Summary Report Secondary).*

• In order to reduce the noncompliant Pre-Honors, Honors, and AP courses to below 27, Mt. Diablo High would have had to effectively deny under-served students the opportunity to matriculate in those courses. Mt. Diablo High’s Pre-Honors, Honors and AP courses have very limited additional sections of a particular course – frequently with only one or two sections. Creating other Pre-Honors, Honors and AP sections that fit perfectly into students’ schedules after the start of the school year and that also aligned with an AP teacher’s already full class load was nearly impossible.
• Three sections of Pre-Calculus Honors were over the Rule of 27. In the master schedule, 4 sections were offered over 4 different class periods to allow access to this rigorous class to as many students as possible. By the end of the year, only 2 of the 4 classes were over the Rule of 27. This is reflective of a past practice at Mt. Diablo High in which students enrolled in rigorous classes and then attempted to drop them. This trend in student behavior, if left unaddressed, could result in classes being under-enrolled and subject to being collapsed. To counteract this, the previous administration overfilled sections in anticipation of the historical attrition to prevent the subsequent potential closure of the class. This practice of over loading classes has been eliminated and staff has now been directed to take steps in our student information system to prevent accidental scheduling these classes over 27.

• One of the 4 Pre-Calculus classes was well below the Rule of 27 in enrollment. When the master schedule was analyzed, it was determined that this section would have been unavailable to students due to conflicts. For example, the following classes conflicted with the Pre-Calculus section with lower enrollment. (Note, singleton means only one section in the master schedule.):
  o Singleton French III/French IV Honors
  o International Hospitality and Tourism Academy (IHTA) Advanced Tourism/ROP Culinary (all IHTA academy 12th graders must be scheduled into these classes)
  o Singleton Drama II/III
  o Singleton Spanish IV AP
  o Singleton Spanish IV Honors
These classes presented significant conflicts. Pre-Calculus Honors students frequently take the advanced language classes, drama classes, or 12th grade academy classes that conflict. Therefore, it was not possible to increase the number of students in this sections in order to alleviate the overages in the other classes about the Rule of 27.

• Mt. Diablo High was and continues to be in the process of scaling up to become a wall-to-wall academy site. In 2010-2011, Mt. Diablo High had three California Partnership Academy Grants funding three separate academies: Architecture, Construction, Manufacturing, and Engineering (ACME); International Hospitality and Tourism (IHTA); and Digital Safari Academy (DSA). In addition, Mt. Diablo High had two informal academies: FAME and the Biotechnology Academy. Data revealed that students in the academies at Mt. Diablo High score higher on the CST and CAHSEE examinations. These students also graduated at higher rates. In response to this data, and the gross inequity seemingly being experienced by non-academy students, Mt. Diablo High began the to increase the number of academies. The Biotechnology Academy became the Medical and Biotechnology Academy (MBTA) and received a California Partnership Academy Grant. FAME, due to low numbers, was dismantled. In 2011, all 10th graders were placed in academies. By the fall of 2012, all 9th graders will also be placed in academies. An administrator is assigned to each academy and teachers share common preparatory periods for planning and collaboration. The flourishing academies offered to students further restricted the ability to manipulate the master schedule making it not feasible to add additional sections of Pre-Honors, Honors, or AP courses mid-year. Students in academies have a series of required classes at each grade level that they must complete. These classes are, in effect, a series of
“Singletons” on the master schedule. Singletons – or, courses appearing only once on a master schedule – constrict scheduling choices during master schedule development. The more singletons (or doubletons – courses offered twice) there are on a master schedule, the more difficult it becomes to have choices in scheduling students into classes and keep within class size limits. These limited class offerings are typically more academically rigorous classes. With the growth of academies, rescheduling students or adding additional AP/Honors courses was made more difficult.

In conclusion, the complexity of creating a master schedule that did not deny access to higher level courses or academies, combined with a misunderstanding of the types of classes that can be considered Core and significant administrative staff turnover, were all contributing factors to exceeding the Rule of 27.

Steps Implemented to Ensure Total Core Sections Remain below 27

After close consultation with the Northern California QEIA Assistance Center and the Contra Costa County Office of Education QEIA Monitor, Mt. Diablo Unified School District has revamped local monitoring of compliance with QEIA requirements. The local monitoring plan includes: monthly meetings with all QEIA schools to include training on QEIA compliance; monthly reports to assist in monitoring school compliance with all QEIA Class Size Reduction requirements; monthly consultation with sites by district administrators to review progress on all areas of QEIA compliance; and support for Mt. Diablo High in navigating the complexities of master scheduling including one on one training as needed.

Since Mt. Diablo High and District Staff believed the school would exit QEIA this year and due to the turnover of staff at the District level who were responsible for assisting with QEIA monitoring, there has been limited monitoring of the school’s master schedule and Class Size Reduction targets. Mt. Diablo High Staff, in good faith, developed a master schedule that was QEIA compliant but has not monitored it closely for compliance. At the time of the submission of this waiver request, District staff is working with site staff to conduct a rigorous review of the current master schedule to ensure compliance with QEIA and to make any needed adjustments at the semester change to minimize any potential negative impacts on students. Additionally, while it is not related to the Rule of 27, at the time of the submission of this waiver, the District acknowledges that it has one budgeted vacant Student Services Coordinator (school counselor) position at Mt. Diablo High. Recruitment efforts are under way to fill the vacancy and the District anticipates having the position filled early in the new year. Mt. Diablo High is fully compliant with all other QEIA requirements at this time.
Mt. Diablo High has the opportunity to make a significant and long-term impact on the achievement of the hundreds of under-served students who will attend that school; QEIA funding is central to this effort. Without it, it is likely that Mt. Diablo High will not have enough time to make their positive changes systemically sustainable. The loss of QEIA funding for Mt. Diablo High will have a significant negative impact the momentum for positive progress the school has made closing the achievement gap for all, but most specifically for their under-served student populations.
Waiver Number: 13-12-2011  
Period of Request: July 1, 2010, to June 30, 2011  
Period Recommended: July 1, 2010, to June 30, 2011  
Ramona Elementary School  
Oxnard School District  

CDS Code: 56 72538 6055362

Local Educational Agency Request:

Oxnard School District (SD) is an urban school district located in Ventura County and has a student population of approximately 15,870 students. Ramona Elementary School (ES) serves 535 students in kindergarten and grades one through six. Monitoring performed by the Ventura County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Ramona ES for grade six classes for the 2010–11 school year.

Oxnard ESD states that it was aware of this enrollment situation in August of 2010 and remedied the situation by finding placement for students at other school sites. The district states that in March 2011 a student enrolled in the sixth grade and left in April, causing the QEIA CSR target to be missed for that brief period. The district states that Ramona ES is in full compliance with QEIA CSR requirements for 2011–12.

Oxnard ESD is requesting a waiver for exceeding its CSR target for grade six classes at Ramona ES by .08.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Oxnard SD’s request that CSR requirements for grade six classes at Ramona ES be waived for school year 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to grade six classes at Ramona ES for school year 2010–11; (2) Ramona ES meet the CSR requirements in 2011–12 and all subsequent years the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, Oxnard ESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

 Reviewed by Ramona Elementary Schoolsite Council on December 5, 2011.

Supported by Oxnard Educators Association, California School Employees Association, and Oxnard Supportive Services Association on November 18, 2011.

Local Board Approval: December 7, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: ___

Local educational agency:
Oxnard Elementary School District
Ramona Elementary School

Contact name and Title:
Patti Pape, Principal
Jeff Chancer, Superintendent

Contact person’s e-mail address:
ppape@oxnardsd.org

Address:
1051 South A Street
Oxnard
CA 93030

Phone (and extension, if necessary):
805-487-3918
Fax Number:

Period of request: (month/day/year)
From: Aug 28, 2012 To: June 17, 2013

Local board approval date: (Required)
12-7-11

Date of public hearing: (Required)
12-7-11

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Circle One: EC or CCR

Topic of the waiver: QEIA CSR

2. If this is a renewal of a previously approved waiver, please list Waiver Number: and date of SBE Approval.
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): November 18, 2011

Name of bargaining unit and representative(s) consulted: Oxnard Educators Association, California School Employees Association, Oxnard Supportive Services Association.

The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (Please specify why)

Comments (if appropriate): 

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?
__x_ Notice in a newspaper _X__ Notice posted at each school _x_ Other: (Please specify) Posted at District Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request:

Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify)
### 6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

EC 520055.740(a) for each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program components by the school by the end of the third full year of funding:

1. Meet all of the following class size requirements:
   - (A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).
   - (B) For self-contained classrooms in grades 4-8, inclusive, an **average classroom size that is the lesser of clause (i) or (ii), as follows**:
     1. At least five pupils fewer per classroom than was the average in 2006-07
     2. An average of 25 pupils per classroom

### 7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Please see attached.

### 8. Demographic Information:

Ramona School has a K-6 student population of 535 and is located in an urban neighborhood in the city of Oxnard in Ventura County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**  
No ☒ Yes ☐

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?**  
No ☒ Yes ☐

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title: Superintendent, Oxnard School District</th>
<th>Date: 12-7-11</th>
</tr>
</thead>
</table>

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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

<table>
<thead>
<tr>
<th>Staff Name (type or print):</th>
<th>Staff Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Unit Manager (type or print):</th>
<th>Unit Manager Signature:</th>
<th>Date:</th>
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</table>

<table>
<thead>
<tr>
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<th>Division Director Signature:</th>
<th>Date:</th>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Deputy (type or print):</th>
<th>Deputy Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>

---

**Ramona Elementary School**  
**Oxnard School District**
Attachment to Waiver: Item 7 Desired outcome/rationale

Ramona School is part of the Oxnard Elementary School District and provides services to 535 students in grades K-6. This is the 5th year that Ramona school is on a traditional calendar after twenty-five years of being a year round school. Ramona’s student ethnic population is composed of 527 Hispanic or Latino, 3 African-American and 4 White. Of these students, 89% are English Learners and 98% receive free/reduced lunch.

The purpose of this request is to seek a waiver for having exceeded the class size reduction target for sixth grade by .08 during the 2010-11 school year.

The following table illustrates the K-3 class size reduction targets and the class average enrollment using Method A for calculation.

<table>
<thead>
<tr>
<th>Grade Level</th>
<th>CSR target</th>
<th>Total Classes</th>
<th>Total classes meeting 20.44 target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kindergarten</td>
<td>20.44</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Grade 1</td>
<td>20.44</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Grade 2</td>
<td>20.44</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Grade 3</td>
<td>20.44</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>

The following table illustrates the 4-6 class size reduction targets and the grade level averages using Method A for calculation.

<table>
<thead>
<tr>
<th>Grade Level</th>
<th>CSR target</th>
<th>Grade Level Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade 4</td>
<td>23.0</td>
<td>22.84</td>
</tr>
<tr>
<td>Grade 5</td>
<td>25.0</td>
<td>22.07</td>
</tr>
<tr>
<td>Grade 6</td>
<td>22.0</td>
<td>22.08</td>
</tr>
</tbody>
</table>

As indicated by the data the CSR targets were maintained for grades K-5. Grade 6 was over the grade level average by .08 of the target. The following table shows the enrollment for grade 6 as calculated at the end of each month for the 2010-11 school year.

<table>
<thead>
<tr>
<th>Month</th>
<th>Grade 6 Enrollment</th>
<th>Grade 6 FTE</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>August</td>
<td>68</td>
<td>3</td>
<td>22.67</td>
</tr>
<tr>
<td>September</td>
<td>66</td>
<td>3</td>
<td>22.00</td>
</tr>
<tr>
<td>October</td>
<td>66</td>
<td>3</td>
<td>22.00</td>
</tr>
<tr>
<td>November</td>
<td>66</td>
<td>3</td>
<td>22.00</td>
</tr>
<tr>
<td>December</td>
<td>66</td>
<td>3</td>
<td>22.00</td>
</tr>
<tr>
<td>January</td>
<td>66</td>
<td>3</td>
<td>22.00</td>
</tr>
<tr>
<td>February</td>
<td>66</td>
<td>3</td>
<td>22.00</td>
</tr>
<tr>
<td>March</td>
<td>67</td>
<td>3</td>
<td>22.33</td>
</tr>
<tr>
<td>April</td>
<td>67</td>
<td>3</td>
<td>22.33</td>
</tr>
<tr>
<td>May</td>
<td>66</td>
<td>3</td>
<td>22.00</td>
</tr>
<tr>
<td>June</td>
<td>66</td>
<td>3</td>
<td>22.00</td>
</tr>
<tr>
<td>Totals</td>
<td>730</td>
<td>33</td>
<td>22.12</td>
</tr>
</tbody>
</table>

This data shows that during the month of August there was initially enrollment .67 over the grade level average. The Oxnard School District attendance was aware of this enrollment and this situation was remedied by finding placement for these students at other school sites. In March a student enrolled in the sixth grade and left in April. This student was a new student to the country and state. The district was notified immediately upon the student’s enrollment and within 30 days the student was tested and was enrolled at the Oxnard School District’s English Learner Academy for newcomers. The student’s academic needs were considered and arrangements to find an alternate placement were initiated, however,
in order to place the student at the English Learner Academy a timeline of observing the student and assessing his learning needs had to occur. Once this determination was made the student was transferred.

Ramona School has made tremendous progress in student achievement since receiving the QEIA fund grant, particularly during the years of 2008 and 2009 (see chart below). Strategic interventions are in place for our students and training in effective instructional strategies for teachers are ongoing. We are in the fourth year of our implementation of the RtI model of intervention and our practices are considered a model throughout school districts in Ventura County. Continued success would not be possible as a termination in funding would necessitate the elimination of key positions on the intervention team and an academic coach, all of them supporting students in small groups all day, every day. This team also coordinates progress monitoring and provides vital ongoing support through the tiers of RtI.

API data supports the importance of having a strong intervention program.

<table>
<thead>
<tr>
<th>API Comparisons</th>
<th>Overall</th>
<th>Hispanic</th>
<th>Socioeconomically Disadvantaged (SED)</th>
<th>English Learners (ELL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Growth</td>
<td>684</td>
<td>750</td>
<td>729</td>
<td>720</td>
</tr>
<tr>
<td>Base</td>
<td>649</td>
<td>686</td>
<td>745</td>
<td>734</td>
</tr>
<tr>
<td>Growth Target</td>
<td>8</td>
<td>6</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Actual Growth</td>
<td>+35</td>
<td>+58</td>
<td>-16</td>
<td>-9</td>
</tr>
<tr>
<td>Met Growth Target?</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Ramona School’s commitment to student achievement is strong. The availability of QEIA funds gave us the ability to make key decisions placing teachers and support staff in positions that maximized the support of both students and teachers. The improvements in student scores have been a direct result of the opportunities that the QEIA funding gave us to focus on improving student achievement and positioning our school on the cutting edge of student success through the implementation of the RtI model.
Waiver Number: 58-12-2011    Period of Request: July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011

Rancho Medanos Junior High School
Pittsburg Unified School District

CDS Code: 07 61788 6084966

Local Educational Agency Request:

Pittsburg Unified School District (USD) is located in Contra Costa County and has a student population of approximately 10,316 students. Rancho Medanos Junior High School (JHS) serves 1,174 students in grades six through eight. Monitoring performed by the Contra Costa County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Rancho Medanos JHS in grade six. In addition, five grade six classes, six grade seven classes, and eleven grade eight classes exceeded the QEIA 27-student cap per classroom requirement. The district provided class size information from 2006–07, the base year upon which QEIA CSR targets are calculated, showing that the average size of core classes of English, mathematics, history-social science, and science in grades six through eight were 25.7, 29.3, and 27.8, respectively. The QEIA CSR targets for grades six through eight are 20.7, 24.3, and 22.8, respectively.

Pittsburg USD states that, prior to 2007, it was in the process of adding a third junior high school to house the increasing number of students in the district. The district states that as Rancho Medanos JHS was being built, it was notified that one of the two existing junior high schools, Central Junior High, needed to be abandoned since it was located on a gas line posing a potential hazard for students and staff. The district states that students were moved to Rancho Medanos JHS and Hillview Junior High School. Ten portable classrooms were added to the new Rancho Medanos JHS campus to meet QEIA CSR targets. The district states that its two junior high schools are currently running at maximum capacity, and fortunately a third junior high school will open in August 2012 which will relieve the overcrowding issues. The district states that at Rancho Medanos JHS, several teachers were not assigned a classroom and had to move from room to room teaching during other teacher’s prep periods, and five sections were conducted in a modified teacher’s lounge.

Pittsburg USD requests a waiver of the QEIA CSR target for grade six at Rancho Medanos JHS for the 2010–11 school year and the establishment of an alternative CSR target of 23.0 on average in core classes for grade six. The district is also requesting a waiver for exceeding the QEIA 27-student cap per core classroom CSR requirement for five grade six classes, six grade seven classes, and eleven grade eight classes at Rancho Medanos JHS in 2010–11.
California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) recognizes Pittsburg USD’s extenuating circumstances and supports its request to increase its CSR target for grade six and to waive the QEIA 27-student cap per core classroom CSR requirement for five grade six classes, six grade seven classes, and eleven grade eight classes at Rancho Medanos JHS for school year 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to the grade six CSR target for school year 2010–11 at Rancho Medanos JHS; (2) Applies to five grade six classes, six grade seven classes, and eleven grade eight classes at Rancho Medanos JHS that exceeded the QEIA 27-student cap per core classroom CSR requirement for school year 2010–11; (3) Within 30 days of approval of this waiver, Pittsburg USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Rancho Medanos Junior High Schoolsite Council on December 12, 2011.

Supported by Pittsburg Education Association and California Teacher’s Association on, November 28 and December 13 and 15, 2011.

Local Board Approval: December 14, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 3/16/07)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  ☑
Renewal Waiver:  ☐

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Faxed originals will not be accepted!

Local educational agency:
Pittsburg Unified School District

Contact name and recipient of approval/denial notice:
Linda Rondeau, Superintendent

Contact person’s e-mail address:
lorondeau@pittsburg.k12.ca.us

Address:                                          (City)                              (State)                              (ZIP)
2000 Railroad Avenue Pittsburg CA 94565

Period of request: (month/day/year) From: 7/1/2010 To: 6/30/2011

Local board approval date: (Required) December 14, 2011

Date of public hearing: (Required) December 14, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 52055.740

   Circle One: EC or CCR

   Topic of the waiver: QEIA Class Sizes

2. If this is a renewal of a previously approved waiver, please list Waiver Number: Not Applicable and date of SBE Approval

3. Collective bargaining unit information. Does the district have any employee bargaining units?  ☐ No  ☑ Yes  If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 11/28/11, 12/13/11 and 12/15/11

   Name of bargaining unit and representative(s) consulted: Chris Coan, President, Pittsburg Education Association and Rosemary Louissaint, California Teacher Association

   The position(s) of the bargaining unit(s): Neutral ☐ Support  ☑ Support (Please specify why)

   Comments (if appropriate): 

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ☑ Notice in a newspaper  ☑ Notice posted at District Office, Post Office  ☐ Other: (Please specify)
   Board Agenda Item December 14, 2011 and notice posted in Rancho Medanos’ Jr. High’s office.

5. Advisory committee/School site councils. Please identify the council(s) or committee that reviewed this waiver:
Pittsburg USD Superintendent’s Cabinet and Rancho Medanos Jr. High’s School Site Council

   Date the committee/council reviewed the waiver request:
The waiver request was reviewed at the Rancho Medanos Jr. High School Site Council meeting held on December 12, 2011. The Council strongly supported the submission of the waiver.

   Were there any objection(s)?  ☐ No  ☑ Yes  (If there were objections please specify)
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST
GW-1 (Rev. 3/16/07)

6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a strike out key if only portions of sections are to be waived).

   EC 52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:  
   (1) Meet all of the following class size requirements:  
      (A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).  
      (B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:  
         (i) At least five pupils fewer per classroom than was the average in 2006-07.  
         (ii) An average of 25 pupils per classroom.  
   (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

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7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   The District is requesting that the CSR target for grade 6 at Rancho Medanos Jr. High be temporarily modified to 23 students for the 2010/2011 school year. The District is also requesting that the site be allowed to have more than 27 students enrolled in core classes for the 2010/11 school year to address significant and unexpected overcrowding.

   Prior to 2007, the district was in the process of adding a third junior high school to house the increasing number of students in Pittsburg Unified School District. Unfortunately, as the new school, Rancho Medanos Jr. High, was being built, the District was notified that one of the two existing junior high schools, Central Jr. High, needed to be abandoned since it was located on a gas line which posed a potential hazard for students and staff. Central Jr. High had just been chosen as one of four sites in Pittsburg Unified to participate in the QEIA program. In 2008, the students attending Central were moved to the new school, Rancho Medanos, which maintained Central’s CDS code, and to Hillview Jr. High. In order to begin the phase in of the class size reduction to meet core targets, an additional 10 portables had to be added to the new campus. To complicate class size reduction matters further, the site has also experienced a 6% increase in ADA over the last two years which brings it’s enrollment to 1174 students.

   The two junior high schools in Pittsburg Unified are currently running at maximum capacity. (A third junior high will open August 2012.) Neither of these sites have vacant rooms nor do they have space to add new portables on campus. At Rancho Medanos, during the 2010/11 school year, there were 9 teachers teaching more than full time due to the lack of classroom space. Several teachers were not assigned a classroom and had to move from room to room teaching during other teachers’ prep periods, and 5 sections were being held in a modified teacher’s lounge. Due to these extenuating circumstances, the District is requesting that the CSR target for grade 6 at Rancho Medanos be temporarily modified to 23 students for the 2010/2011 school year. The District is also requesting that the site be allowed to have more than 27 students enrolled in core classes in the 2010/11 school year.

   Pittsburg Unified is a small district (10,316 ADA) with one comprehensive high school serving an extremely diverse student population. The student population consists of 58% Hispanic/ Latino, 22% African American, 7% Filipino, 7% White, and 7% other. Approximately 84% of its students receiving free or reduced lunch and 33% of our student population are English Language Learners.

8. For a renewal waiver only, district also must certify: **Not Applicable**

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</table>

   Renewals of General Waivers must be submitted two months before the active waiver expires. The local governing board must approve the renewal request. Retroactive waivers must go through the First Time Waiver Process.

   **Is this waiver associated with an apportionment related audit penalty?** (per EC 41344) **No** ☑ **Yes** ☐

   **Has there been a Categorical Program Monitoring (CPM) finding on this issue?** **No** ☑ **Yes** ☐

   (If yes, please attach explanation or copy of audit finding or CCR finding)
**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title: Superintendent</th>
<th>Date:</th>
</tr>
</thead>
</table>

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

<table>
<thead>
<tr>
<th>Staff Name <em>(type or print)</em>:</th>
<th>Staff Signature:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit Manager <em>(type or print)</em>:</td>
<td>Unit Manager Signature:</td>
<td>Date:</td>
</tr>
<tr>
<td>Division Director <em>(type or print)</em>:</td>
<td>Division Director Signature:</td>
<td>Date:</td>
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<tr>
<td>Deputy <em>(type or print)</em>:</td>
<td>Deputy Signature:</td>
<td>Date:</td>
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<tr>
<td>CSR Target</td>
<td>CSR Targets (2010-2015)</td>
<td>Grade Level Average</td>
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<td>------------</td>
<td>------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Grade 6</td>
<td>20.7</td>
<td>22.8</td>
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<td>Grade 7</td>
<td>24.3</td>
<td>20.9</td>
</tr>
<tr>
<td>Grade 8</td>
<td>22.8</td>
<td>20.7</td>
</tr>
</tbody>
</table>
Waiver Number: 4-11-2011  Period of Request: July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011

Melrose Elementary School
Placentia-Yorba Linda Unified School District

Local Educational Agency Request:

Placentia-Yorba Linda Unified School District (USD) is an urban school district located in Orange County and has a student population of approximately 25,821 students. Melrose Elementary School (ES) serves 624 students in kindergarten and grades one through five. Monitoring performed by the Orange County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Melrose ES for grade four classes for the 2010–11 school year.

Placentia-Yorba Linda USD states that all class reduction requirements have been met in the 2010–11 school year with the exception of the fourth grade target. The district states that the parent community, school staff, and district are all committed to continuing and supporting the strong growth at Melrose ES. The district states that Melrose ES is on-track to meet all QEIA CSR requirements for 2011–12.

Placentia-Yorba Linda USD is requesting a waiver for exceeding its CSR target for grade four classes at Melrose ES by .17.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Placentia-Yorba Linda USD’s request that CSR requirements for grade four classes at Melrose ES be waived for school year 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to grade four classes at Ramona ES for school year 2010–11; (2) Melrose ES meet the CSR requirements in 2011–12 and all subsequent years the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, Placentia-Yorba Linda USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Melrose Elementary Schoolsite Council and Melrose English Learner Advisory Committee on October 11 and 13, 2011.

Supported by Association of Placentia Linda Educators and California School Employees Association on October 11 and 12, 2011.

Local Board Approval: October 25, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/
First Time Waiver: X  
Renewal Waiver: __

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

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<tr>
<th>Local educational agency:</th>
<th>Contact name and Title:</th>
<th>Contact person’s e-mail address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Placentia-Yorba Linda Unified School District</td>
<td>Dorie Staack, Director, Categorical Programs</td>
<td><a href="mailto:dstaack@pylusd.org">dstaack@pylusd.org</a></td>
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<table>
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<tr>
<th>Address:</th>
<th>Phone (and extension, if necessary):</th>
<th>Fax Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1301 E. Orangethorpe Avenue, Placentia, CA 92870</td>
<td>714-985-8654</td>
<td>714-577-8104</td>
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</table>

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<th>Period of request: (month/day/year)</th>
<th>Local board approval date: (Required)</th>
<th>Date of public hearing: (Required)</th>
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<tr>
<td>From: 07/01/2010 To: 06/30/2011</td>
<td>October 25, 2011</td>
<td>October 25, 2011</td>
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</table>

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Circle One: EC or CCR : EC

| Topic of the waiver: | QEIA CSR |

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______

Renews of waivers must be submitted two months before the active waiver expires. NA

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  _X Yes  If yes, please complete required information below:

<table>
<thead>
<tr>
<th>Bargaining unit(s) consulted on date(s):</th>
<th>Name of bargaining unit and representative(s) consulted:</th>
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<tbody>
<tr>
<td>October 11, 2011 (APLE) and October 12, 2011 (CSEA)</td>
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- Association of Placentia Linda Educators (APLE) - Linda Manion, President
- California Schools Employers Association (CSEA) - Alyson Holt, President

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<tr>
<th>The position(s) of the bargaining unit(s):</th>
<th>Neutral  _X Support  __ Oppose (Please specify why)</th>
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</table>

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

<table>
<thead>
<tr>
<th>How was the required public hearing advertised?</th>
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<tr>
<td>___ Notice in a newspaper  _X Notice posted at each school  _X Other: (Please specify) : PYLUSD Educational Services Center, Yorba Linda and PYLUSD District Office, Placentia</td>
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</tbody>
</table>

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

<table>
<thead>
<tr>
<th>Date the committee/council reviewed the waiver request:</th>
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<tbody>
<tr>
<td>Melrose Elementary School Site Council (October 13, 2011) and Melrose English Learner Advisory Committee (October 11, 2011)</td>
</tr>
</tbody>
</table>
6. **Education Code** or **California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**). EC 52055.740 (a) for each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

- (1) Meet all of the following class size requirements:
  - (A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).
  - (B) For self-contained classrooms in grades 4-8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
    - (i) At least five pupils fewer per classroom than was the average in 2006-07
    - (ii) An average of 25 pupils per classroom.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   **Please see Attached**

8. Demographic Information:
   Melrose Elementary School has a K-5 student population of 624 students and is located in a small city in Orange County. Students are 97.8% Hispanic/Latino, 86.4% socioeconomically disadvantaged, and 77.5% English learners.

   **Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**
   - No ☒
   - Yes ☐

   **Has there been a Categorical Program Monitoring (CPM) finding on this issue?**
   - No ☒
   - Yes ☐

   **District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

   **Signature of Superintendent or Designee:**
   **Dennis M. Smith**

   **Title:**
   **Superintendent**

   **Date:**
   **October 25, 2011**
Melrose Elementary School
Attachment to Waiver: Item 7: Desired outcome/rationale.

Rationale:
Melrose Elementary School has a K-5 student population of 6284 students and is located in a small city in Orange County. Students are 97.8% Hispanic/Latino, 86.4% socioeconomically disadvantaged, and 77.5% English learners.

Since the inception of the Melrose QEIA program, the school has made significant progress. The Melrose API has grown 131 points to an all time high of 768. All numerically significant subgroups met their Federal math goals in 2010-11. All numerically significant subgroups except Hispanic met their Federal English language arts goals in 2010-11. Ninety-four percent of students scored a four or higher on the spring, 2011 California Standards Writing test. Additionally, Melrose has been compliant on all QEIA indicators including Teacher Experience Index, Williams Settlement reviews, professional development for teachers and paraprofessionals, High Quality Teachers, and the required API gains. Additionally, Melrose has a daily attendance rate of 97.3% which is an increase of .5% over the prior year.

All class size reduction requirements have been met with the exception of the 4th grade target of 25.0 in the 2010-11 school year. The Melrose average was 25.17 or .17 above the requirement. All other grades met the required target for CSR in the 2010-11 school year. The parent community, school staff, and district staff are all committed to continuing and supporting the strong growth at Melrose Elementary school. It would be unfortunate if this upward trend were interrupted. Despite fluctuating enrollment numbers, the school is on-track to meet all CSR targets for the 2011-12 school year.

Desired Outcome:
For these reasons, we are requesting a waiver to allow Melrose Elementary School to continue in the QEIA Program for the 2012-13 and 2013-14 school years. We believe approving the waiver request would meet the heart of the intent of QEIA legislation to improve school performance by significantly reducing class size.

History of Class Size Averages (Grade K-5) 2006-2011:

<table>
<thead>
<tr>
<th>Grade</th>
<th>QEIA CSR Target</th>
<th>2006-07 Base Year</th>
<th>2007-08 (Planning)</th>
<th>2008-09 (1/3)</th>
<th>2009-10 (2/3)</th>
<th>2010-11 (All)</th>
<th>2011-12 Projected</th>
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<tbody>
<tr>
<td>Kinder</td>
<td>20.44</td>
<td>30.3</td>
<td>18.33</td>
<td>25.8</td>
<td>16.1</td>
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<td>Grade 1</td>
<td>20.44</td>
<td>18.7</td>
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<td>20</td>
<td>19.99</td>
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<td>19.4</td>
<td>18.495</td>
<td>20.6</td>
<td>17.255</td>
<td>19.176</td>
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<tr>
<td>Grade 3</td>
<td>20.44</td>
<td>24.8</td>
<td>27.76</td>
<td>21.1</td>
<td>21.209</td>
<td>17.662</td>
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<td>Grade 4</td>
<td>25.0</td>
<td>31.3</td>
<td>23.088</td>
<td>22.7</td>
<td>25.57</td>
<td>25.17</td>
<td>25.0</td>
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<tr>
<td>Grade 5</td>
<td>25.0</td>
<td>34.7</td>
<td>20.29</td>
<td>22.5</td>
<td>22.51</td>
<td>23.19</td>
<td>25.0</td>
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Waiver Number: 69-12-2011  Period of Request: July 1, 2010, to June 30, 2012  
Period Recommended: July 1, 2010, to June 29, 2012

Los Padres Elementary School  Salinas City Elementary School District

CDS Code: 27 66142 6026561

Local Educational Agency Request:

Salinas City Elementary School District (ESD) is located in Monterey County and has a student population of approximately 8,325 students. Los Padres Elementary School (ES) serves 761 students in kindergarten and grades one through six (K–6). Monitoring performed by the Monterey County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Los Padres ES in kindergarten, grades one through three, and grade six for the 2010–11 school year. The district provided class size information from 2005–06, the base year upon which QEIA CSR targets are calculated, showing that the average size of core classes of English, mathematics, history-social science, and science in K–6 were 19.6, 22.8, 19.8, 20, 32, 32, and 27.7. The QEIA CSR targets for K–6 are 20.44 (K–3), 25 grades four and five, and 22.7 for grade six.

Salinas City ESD states that some of the challenges impacting Los Padres ES’s ability to meet the QEIA CSR targets result from school and district instructional decisions, budget constraints, and the new schedule of reduced funding percentages for classes exceeding 20.44 pupils. The district states that Los Padres ES is composed predominantly of English learners from low income and migrant families. Los Padres ES has a high mobility rate and some students start after the school year begins and move away before the school year ends.

Salinas City ESD requests a waiver for exceeding its QEIA CSR targets at Los Padres ES for 2010–11 in six kindergarten classes (three classes at 22, one class at 22.66, one class at 23.95, and one class at 24.65), three grade two classes (two at 22 and one at 23.25), and one grade three class at 22.3. In addition, the district requests an alternative target of 23.0 per classroom in grade one and the establishment of an average target of 25 students in core classes in grades four through six combined.

For school year 2011–12, Salinas City ESD requests a waiver of the QEIA CSR targets for K–6 at Los Padres ES and establishment of alternative CSR targets of 23.0 per class in K–3 and the establishment of an average of 25 students in core classes in grades four through six combined.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Salinas City ESD’s request to increase its CSR targets for K–6. The alternative targets are consistent with the intent of QEIA to ensure that students at funded schools benefit from lower class sizes.
The CDE recommends approval with the following conditions: (1) Applies only to classes in K–6 at Los Padres ES for school year 2010–11 and 2011–12; (2) Los Padres ES increase to 23.0 the class size in K–3 and maintain an average class size in core classes at the school level to 25.0 students per classroom in grades four through six in the 2011–12 school year; (3) No classroom in grades four through six may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Salinas City ESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Los Padres Elementary Schoolsite Council on October 7, 2011.

Supported by Salinas Elementary Teacher Council of CTA and California School Employee Association, Chapter 149 on November 9, 2011 and December 6 and 9, 2011.

**Local Board Approval:** December 12, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency:
Salinas City Elementary School District for
Los Padres Elementary School  6026561

Contact name and Title:
Dr. Donna Alonzo Vaughan, Superintendent
Hilda Huerta, Principal
Ernesto G. González, Jr. Coordinator Program Improvement & C.P.

Contact person’s e-mail address:
egonzalezsr@salinascity.k12.ca.us

Address:
840 South Main Street  Salinas  California  93901
1130 John St.  Salinas  California  93905

Period of request: (month/day/year)
From: July 1, 2010  To: June 30, 2012

Local board approval date: (Required)
December 12, 2011

Date of public hearing: (Required)
December 12, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):
   52055.740 (a) (4)   Circle One:  EC or CCR
   52055.740 section (a) (1) (A); section (a) (1) (B) (i) & (ii)   Circle One:  EC or CCR

Topic of the waiver: Quality Education Investment Act (QEIA)  Teacher Experience Index
                       Quality Education Investment Act (QEIA)  Class Size Waiver

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____  and date of SBE Approval______

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No  _X_  Yes  If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):
   November 9, 2011  December 6, 2011; December 9, 2011

   Name of bargaining unit and representative(s) consulted:
   Salinas Elementary Teacher Council of CTA
   California School Employee Association, Chapter 149
   Carol Rodrigues, President  Joe Sanchez, President
   Rosie Sanchez, Chapter Public Relations Officer

   The position of SETC of CTA:  __ Neutral  _X_  Support  __ Oppose (Please specify why)
   The position of CSEA, Chapter 149:  __ Neutral  _X_  Support  __ Oppose (Please specify why)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?
   ___ Notice in a newspaper  _X_  Notice posted at each school  _X_  Other: (Please specify) District Webpage

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Los Padres School Site Council
   Date the committee/council reviewed the waiver request:
   October 7, 2011

   Were there any objection(s)?  No  _X_  Yes ___ (If there were objections please specify)
6. *Education Code or California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a *strike out key*).

EC 52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.

EC 52055.730 (d) On or before June 30, 2007, the Superintendent, in consultation with interested parties, shall develop a uniform process that can be used to calculate average experience for purposes of reporting, analyzing, or evaluating the distribution of classroom teaching experience in grades, school sites, or subjects across the district. The uniform process shall include an index that uses the 2005-06 California Basic Educational Data System (CBEDS) Professional Assignment Information Form (PAIF), including any necessary corrections, as the base-reporting year to evaluate annual improvements of the funded schools toward balancing the index of teaching experience. The index shall be approved by the Superintendent. The uniform process shall designate teaching experience beyond 10 years as 10 years.

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the end of the third full year of funding:

(1) Meet all of the following class size requirements:

(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).

(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

(i) At least five pupils fewer per classroom than was the average in 2006-07.

(ii) An average of 25 pupils per classroom.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

By 2010-2011, QEIA schools must ensure that their average level of teaching experience meets or exceeds the average level of teaching experience among all teachers at the same type of school in the district. The average level of teaching experience that QEIA schools must meet is based on the teaching experience levels reported by the district in 2005-2006. District average experience levels or “Teacher Experience Index Targets” were calculated and were established at 8.2. The State QEIA Schools TEI is 6.7. The district did three different calculations using different criteria for 2010-2011 similar schools. The three TEI results are 7.5, 7.1 and 7.3.

Los Padres Elementary School is asking for a waiver of this requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Los Padres Elementary School is seeking a waiver of this requirement from 2010-2011 to the 2011-2012 school year. [See attached: Teacher Experience Index]

[See attached: Quality Education Investment Act (QEIA) Class Size Waiver]

8. Demographic Information:

Salinas City Elementary School District has a population of 8,325 K-6 students. Los Padres Elementary has a total K-6 population of 761 students. Based on the Consolidated Application 2010-2011: Hispanic or Latino = 745, American Indian or Alaskan Native = 2, Asian = 3, Black or African American = 4, White = 5, Multiracial = 1. 88.3% of the students qualify for free or reduced lunch. 68.9% of the students are English Learners. The school is located in the East side of Salinas.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No ☒ Yes ☐

(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐

(If yes, please attach explanation or copy of CPM finding)
**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>JUVELAL LUZA, Ph.D.</td>
<td>December 12, 2011</td>
</tr>
<tr>
<td></td>
<td>Assistant Superintendent Educational Services</td>
<td></td>
</tr>
</tbody>
</table>

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

<table>
<thead>
<tr>
<th>Staff Name (type or print):</th>
<th>Staff Signature:</th>
<th>Date:</th>
</tr>
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<tbody>
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<table>
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<tr>
<th>Unit Manager (type or print):</th>
<th>Unit Manager Signature:</th>
<th>Date:</th>
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<table>
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<th>Division Director (type or print):</th>
<th>Division Director Signature:</th>
<th>Date:</th>
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<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>
Salinas City Elementary School District and Los Padres Elementary School have encountered various challenges in meeting the Teacher Experience Index. In 2005-2006, the District had a large number of experienced elementary school staff resulting in a calculated TEI of 8.2. Of the 486 QEIA Schools, only 19 have an average TEI equal to or higher than Los Padres Elementary.

<table>
<thead>
<tr>
<th>Los Padres calculated TEI</th>
<th>2008-2009</th>
<th>2009-2010</th>
<th>2010-2011</th>
<th>2011-2012</th>
<th>2012-2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natividad calculated TEI</td>
<td>7.0</td>
<td>6.8</td>
<td>7.0</td>
<td>7.3</td>
<td>7.8</td>
</tr>
<tr>
<td>Sherwood calculated TEI</td>
<td>6.2</td>
<td>6.9</td>
<td>7.4</td>
<td>7.8</td>
<td>8.3</td>
</tr>
<tr>
<td>District (TEI) Target (2005-06)</td>
<td>8.2</td>
<td>8.2</td>
<td>8.2</td>
<td>8.2</td>
<td>8.2</td>
</tr>
</tbody>
</table>

State QEIA School’s TEI

| 2010-2011 calculated TEI for 7 PI similar schools | 7.5 |
| 2010-2011 calculated TEI for 5 PI similar schools PI = (5 + Years) | 7.1 |
| 2010-2011 calculated TEI for 6 PI similar schools LEP 55% or Higher | 7.3 |

The table above shows growth in TEI for Los Padres Elementary School.

- Los Padres’ TEI is at 7.2 indicating that new teachers are staying.
- SCESD calculated the TEI for the seven similar schools that are in Program Improvement in the district. The TEI is 7.5
- SCESD calculated the TEI for five similar schools that have been in Program Improvement for more than five years. The TEI is 7.1.
- SCESD calculated the TEI for six similar schools that have 55% or more LEP students. The TEI is 7.3.

Various factors have impacted the school’s ability to meet the TEI target of 8.2 years:

- Since 2005-2006 the District and Los Padres Elementary School have experienced a number of retirements and change in status that impacts our growth in TEI experience value.
- The District has provided retirement incentives (Golden Handshake) to encourage experienced teachers to retire.
- In fully implementing the Class Size Reduction (CSR) Requirement, the school has recruited new teachers, some of which have less experience, but who are highly motivated to inspire children to learn as seen by API growth. Hiring new teachers has a negative impact on the Teacher Experience Index. In taking the necessary steps to try to meet the CSR requirement, Los Padres has created difficulties in meeting the TEI requirement.
The teacher transfer articles of our collective bargaining agreement limit teacher assignment. These articles make transferring teachers to Los Padres Elementary School to meet the TEI target difficult.

Los Padres Elementary is located in East Salinas and has a higher crime rate area than other areas of Salinas where there is a more stable teacher population. While some teachers stay, others transfer to other schools within the district.

The combination of new hires at Los Padres Elementary School, adhering to contractual language in transferring experienced teachers, experienced teachers becoming resource teachers as well as retirements, has made it a challenge to meet the TEI requirement.

Los Padres Elementary has substantially met the following requirements at the previous benchmark years:

- Met the class size reduction requirements for full implementation.
- Teachers that are highly qualified as defined by federal requirements teach all classes. (100%)  
- Forty hours of professional development provided to teachers. (100%)  
- Professional development provided to paraprofessionals.  
- Met all the requirements for the Williams settlement.  
- Exceeded the API growth targets for the school averaged over the past three years.

<table>
<thead>
<tr>
<th>Year</th>
<th>Growth Target</th>
<th>Growth</th>
<th>Growth API</th>
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<tbody>
<tr>
<td>2007-2008</td>
<td>9</td>
<td>41</td>
<td>662</td>
</tr>
<tr>
<td>2008-2009</td>
<td>7</td>
<td>21</td>
<td>685</td>
</tr>
<tr>
<td>2009-2010</td>
<td>6</td>
<td>19</td>
<td>704</td>
</tr>
<tr>
<td>2010-2011</td>
<td>5</td>
<td>22</td>
<td>724</td>
</tr>
<tr>
<td>3 Year Average</td>
<td>5</td>
<td>20.7</td>
<td></td>
</tr>
</tbody>
</table>

Los Padres Elementary School is asking for a waiver of the Teacher Experience Index requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Los Padres Elementary School is seeking a waiver of this requirement from 2010-2011 to the 2011-2012 school year.

Los Padres is asking for a TEI of 6.5 for the 2010-2011 school year.

Los Padres is asking, for the 2011-2012 school year for the average TEI of the State QEIA schools of 6.7. or

The 2010-2011 calculated TEI for the five similar schools that have been in Program Improvement status for five years or more. TEI 7.1

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 62 point API growth over the last three years, 103 API growth over four years. Los Padres Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the TEI requirement for the 2010-2011 and 2011-2012 school years.
Salinas City Elementary School District and Los Padres Elementary School have encountered various challenges in meeting the QEIA CSR Target.

Class Size Reduction Information for Los Padres Elementary School

<table>
<thead>
<tr>
<th>Grade</th>
<th>2005-06 Base Class Size Average</th>
<th>QEIA CSR Target</th>
<th>2006-07</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
<th>2010-11</th>
<th>Projected 2011-12</th>
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<tbody>
<tr>
<td>Kinder</td>
<td>19.6</td>
<td>20.4</td>
<td>21.3</td>
<td>18.5</td>
<td>20</td>
<td>22.8</td>
<td>24.7</td>
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<tr>
<td>Grade 1</td>
<td>22.8</td>
<td>20.4</td>
<td>19</td>
<td>18.7</td>
<td>20</td>
<td>22.5</td>
<td>24</td>
<td>22</td>
</tr>
<tr>
<td>Grade 2</td>
<td>19.8</td>
<td>20.4</td>
<td>18.8</td>
<td>19.2</td>
<td>19</td>
<td>21.3</td>
<td>24.3</td>
<td>22.1</td>
</tr>
<tr>
<td>Grade 3</td>
<td>20</td>
<td>20.4</td>
<td>20.4</td>
<td>19.7</td>
<td>19</td>
<td>20.7</td>
<td>25.9</td>
<td>20.1</td>
</tr>
<tr>
<td>Grade 4</td>
<td>32</td>
<td>25</td>
<td>24.2</td>
<td>23.5</td>
<td>26.1</td>
<td>23.7</td>
<td>30.4</td>
<td>22.7</td>
</tr>
<tr>
<td>Grade 5</td>
<td>32</td>
<td>25</td>
<td>24.1</td>
<td>21.4</td>
<td>24.3</td>
<td>24.7</td>
<td>30.2</td>
<td>25.6</td>
</tr>
<tr>
<td>Grade 6</td>
<td>27.7</td>
<td>22.7</td>
<td>30.7</td>
<td>24.3</td>
<td>21.9</td>
<td>23.6</td>
<td>28.7</td>
<td>25.5</td>
</tr>
</tbody>
</table>

Desired Outcome

For the 2010-2011 School Year Salinas City Elementary School District and Los Padres Elementary School are requesting CSR targets for grades K, 1st, 2nd, 3rd and 6th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2010 through June 30, 2011.

- CSR target modification requested for 6 Kindergarten classes: three classes at 22 students, one class at 22.66, one class at 23.95 students, and one class at 24.65 students per classroom.
- CSR target modification requested for First Grade classes: 23 students per classroom.
- CSR target modification requested for Second Grade classes: two classes at 22 students, one class at 23.25 students per classroom.
- CSR target modification requested for Third Grade classes: one class at 22.3 students per classroom.
- CSR target modification requested for Fourth to Sixth Grade classes: Establish an average of 25 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2010-2011 school year.

For the 2011-2012 School Year Salinas City Elementary School District and Los Padres Elementary School are requesting CSR targets for grades K-6th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2011 through June 30, 2012.

- CSR target modification requested for Los Padres Elementary School to an average class size at the school level to 23.0 students per classroom in core classes in Kindergarten, grades one, two and three.
- CSR target modification requested for Fourth to Sixth Grade classes: Establish an average of 25 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2011-2012 school year.
- If possible for these averages to be established for the remainder of the QEIA Grant years.

Rationale: Various factors have impacted the school’s ability to meet the CSR targets

The result of the CSR limits established through QEIA, the school and district instructional decisions, budget constraints, including EC Section 52124.3, the new schedule of reduced funding percentages for classes exceeding 20.44 pupils are some of the challenges that Salinas City Elementary School District and Los Padres Elementary School have encountered in meeting the QEIA CSR Target.
In addition, the school is composed predominantly of English learners, low income and migrant families. Enrollment varies throughout the year due to the nature of family dynamics. Some students start after school begins and move away before school ends. Los Padres Elementary has a high mobility rate. Less than 25% of students who start Kindergarten continue to be enrolled at Los Padres by the end of the sixth grade.

Furthermore, Los Padres was already attempting to reduce class size in sixth grade. The QEIA CSR Average Target was established at 22.7 and makes it more difficult to achieve than a 25 student average.

Because of Los Padres Elementary School’s low academic performance, the School Site Council and District made a decision to provide instruction in single grade level configurations because it maximizes grade level instructional time. Instruction at Los Padres does not include combination classes. QEIA funding is assisting Los Padres Elementary School in its efforts to have a low student teacher ratio. (See Table above)

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 62 point API growth over the last three years, 103 API growth over four years. Los Padres Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the Class Size Reduction requirement for the 2010-2011 and 2011-2012 school years. Without QEIA’s funding the school would not be able to continue to implement these programs that have had a very positive effect on student learning.

Los Padres Elementary has substantially met the following requirements at the previous benchmark years:

- Met the class size reduction requirements for full implementation.
- Teachers that are highly qualified as defined by federal requirements teach all classes. (100%)
- Forty hours of professional development provided to teachers. (100%)
- Professional development provided to paraprofessionals.
- Met all the requirements for the Williams settlement.
- Exceeded the API growth targets for the school averaged over the past three years.

Additional Information for 2010-2011 Four PI Non QEIA Schools Averages

- Loma vista School had 4 combination classes in 2010-2011: K-1, 1-2, 4-5 & 5-6.
- Kammann School had 2 combination classes in 2010-2011: 4-5 & 5-6.
- Roosevelt School had 2 combination classes in 2010-2011: 2-3 & 5-6. Roosevelt also paid for one extra teacher to reduce class size.

- Los Padres hired five additional elementary school teachers for the 2010-2011 school year.
- Los Padres hired five additional elementary school teachers for the 2011-2012 school year and is planning on hiring two additional teachers in January to help meet class size requirements.
- Non-QEIA schools have one to four combination classes.
- QEIA schools have no combination classes.

Los Padres Elementary School is asking for a waiver of the CSR in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school.
Waiver Number: 70-12-2011  Period of Request: July 1, 2010, to June 30, 2012
Period Recommended: July 1, 2010, to June 29, 2012

Natividad Elementary School
Salinas City Elementary School District

CDS Code: 27 66142 6026595

Local Educational Agency Request:

Salinas City Elementary School District (ESD) is located in Monterey County and has a student population of approximately 8,325 students. Natividad Elementary School (ES) serves 686 students in kindergarten and grades one through grade six (K–6). Monitoring performed by the Monterey County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Natividad ES in kindergarten, and grades one and six for the 2010–11 school year. The district provided class size information from 2006–07, the base year upon which QEIA CSR targets are calculated, showing that the average size of core classes of English, mathematics, history-social science, and science in kindergarten through grade six were 18, 19.8, 18.2, 17.6, 30.3, 30.3, and 26. The QEIA CSR targets for K–6 are 20.44 (K–3), 25 grades four and five, and 21 for grade six.

Salinas City ESD states that some of the challenges impacting Natividad ES’s ability to meet the QEIA CSR targets result from school and district instructional decisions, budget constraints, and the new schedule of reduced funding percentages for classes exceeding 20.44 pupils. The district states that Natividad ES is composed predominantly of English learners from low income and migrant families. Natividad ES has a high mobility rate and some students start after the school year begins and move away before the school year ends.

Salinas City ESD requests a waiver for exceeding its QEIA CSR targets at Natividad ES for 2010–11 in three kindergarten classes (one class at 21 and two classes at 22). In addition, the district requests an alternative target of 22.0 per classroom in grade one and the establishment of an average target of 25 students in core classes in grades four through six combined.

For school year 2011–12, Salinas City ESD requests a waiver of the QEIA CSR targets for K–6 at Natividad ES and establishment of alternative CSR targets of 23.0 per class in K–3 and the establishment of an average target of 25 students in core classes in grades four through six combined.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Salinas City ESD’s request to increase its CSR targets for K–6. The alternative targets are consistent with the intent of QEIA to ensure that students at funded schools benefit from lower class sizes.

The CDE recommends approval with the following conditions: (1) Applies only to classes in K–6 at Natividad ES for school year 2010–11 and 2011–12; (2) Natividad ES
increase to 23.0 the class size in K–3 and maintain an average class size in core classes at the school level to 25.0 students per classroom in grades four through six in the 2011–12 school year; (3) No classroom in grades four through six may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Salinas City ESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.


Supported by Salinas Elementary Teacher Council of CTA and California School Employee Association, Chapter 149 on November 9, 2011 and December 6 and 9, 2011.

**Local Board Approval:** December 12, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  X
Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency:
Salinas City Elementary School District for
Natividad Elementary School  6026595

Contact name and Title:
Dr. Donna Alonzo Vaughan, Superintendent
Lori Sanders, Principal
Ernesto G. González, Jr.
Coordinator Program Improvement & C.P.

Contact person’s e-mail address:
egonzalezsr@salinascity.k12.ca.us

Address:
840 South Main Street          Salinas                   California           93901
1464 Modoc Ave.                 Salinas                   California           93906

Phone (and extension, if necessary):  831-784-2235
Fax Number:  831-753-5610

Period of request:  (month/day/year)  From:  July 1, 2010  To:  June 30, 2012
Local board approval date:  (Required)  December 12, 2011
Date of public hearing:  (Required)  December 12, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California
   Code of Regulations section(s) to be waived (number):  52055.740 (a) (4)  Circle One:  EC or CCR
   52055.740 section (a) (1) (A); section (a) (1) (B) (i) & (ii)  Circle One:  EC or CCR

   Topic of the waiver:
   Quality Education Investment Act (QEIA)    Teacher Experience Index
   Quality Education Investment Act (QEIA)    Class Size Waiver

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  _____  and date of SBE Approval______

   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  No  X  Yes
   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):
   November 9, 2011; December 9, 2011

   Name of bargaining unit and representative(s) consulted:
   Salinas Elementary Teacher Council of CTA          California School Employee Association, Chapter 149
   Carol Rodrigues, President                                   Joe Sanchez, President
   Rosie Sanchez, Chapter Public Relations Officer

   The position of SETC of CTA:  ___ Neutral  X  Support  ___ Oppose (Please specify why)
   The position of CSEA, Chapter 149:  ___ Neutral  X  Support  ___ Oppose (Please specify why)
   Comments (if appropriate):

4. Public hearing requirement:  A public hearing is not simply a board meeting, but a properly noticed public hearing held
   during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does
   not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time,
   date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal
   notice at each school and three public places in the district.

   How was the required public hearing advertised?
   ___ Notice in a newspaper  X  Notice posted at each school  X  Other: (Please specify)  District Webpage

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Natividad School Site Council
   Date the committee/council reviewed the waiver request:
   October 3, 2011

   Were there any objection(s)?  No  X  Yes  (If there were objections please specify)
6. *Education Code or California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out** key).

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(1) Meet all of the following class size requirements:

(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).

(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

(i) At least five pupils fewer per classroom than was the average in 2006-07.

(ii) An average of 25 pupils per classroom.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

By 2010-2011, QEIA schools must ensure that their average level of teaching experience meets or exceeds the average level of teaching experience among all teachers at the same type of school in the district. The average level of teaching experience that QEIA schools must meet is based on the teaching experience levels reported by the district in 2005-2006. District average experience levels or “Teacher Experience Index Targets” were calculated and were established at 8.2. The State QEIA Schools TEI is 6.7. The district did three different calculations using different criteria for 2010-2011 similar schools. The three TEI results are 7.5, 7.1 and 7.3.

Natividad Elementary School is asking for a waiver of this requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Natividad Elementary School is seeking a waiver of this requirement from 2010-2011 to the 2011-2012 school year. [See attached: Teacher Experience Index]

[See attached: Quality Education Investment Act (QEIA) Class Size Waiver]

8. Demographic Information:

Salinas City Elementary School District has a population of 8,325 K-6 students. Natividad Elementary has a total K-6 population of 686 students. Based on the Consolidated Application 2010-2011: Hispanic or Latino = 641, American Indian or Alaskan Native = 1, Asian = 36, Black or African American = 6, White = 12, Multiracial = 5. 91% of the students qualify for free or reduced lunch. 60.5% of the students are English Learners. The school is located in the Northeast side of Salinas.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No ☒ Yes ☐

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title: JUVENAL LUZA, Ph.D. Assistant Superintendent Educational Services</th>
<th>Date: December 12, 2011</th>
</tr>
</thead>
</table>

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

<table>
<thead>
<tr>
<th>Staff Name (type or print):</th>
<th>Staff Signature:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit Manager (type or print):</td>
<td>Unit Manager Signature:</td>
<td>Date:</td>
</tr>
<tr>
<td>Division Director (type or print):</td>
<td>Division Director Signature:</td>
<td>Date:</td>
</tr>
<tr>
<td>Deputy (type or print):</td>
<td>Deputy Signature:</td>
<td>Date:</td>
</tr>
</tbody>
</table>
7. Desired outcome/rationale

Salinas City Elementary School District and Natividad Elementary School have encountered various challenges in meeting the Teacher Experience Index. In 2005-2006, the District had a large number of experienced elementary school staff resulting in a calculated TEI of 8.2. Of the 486 QEIA Schools, only 19 have an average TEI equal to or higher than Natividad Elementary.

<table>
<thead>
<tr>
<th></th>
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<tr>
<td>Los Padres</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>calculated TEI</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Natividad</td>
<td></td>
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<tr>
<td>calculated TEI</td>
<td>7.0</td>
<td>6.8</td>
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<td>7.3</td>
<td>7.8</td>
</tr>
<tr>
<td>Sherwood</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>calculated TEI</td>
<td>6.2</td>
<td>6.9</td>
<td>7.4</td>
<td>7.8</td>
<td>8.3</td>
</tr>
<tr>
<td>District (TEI)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Target (2005-06)</td>
<td>8.2</td>
<td>8.2</td>
<td>8.2</td>
<td>8.2</td>
<td>8.2</td>
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<tr>
<td>State QEIA School's TEI</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>2010-2011</td>
<td></td>
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<tr>
<td>calculated TEI</td>
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<tr>
<td>7 PI similar schools</td>
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<td>2010-2011</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>calculated TEI</td>
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<td></td>
</tr>
<tr>
<td>5 PI similar schools PI = (5 + Years)</td>
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<td></td>
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</tr>
<tr>
<td>2010-2011</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>calculated TEI</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>6 PI similar schools LEP 55% or Higher</td>
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<td>2010-2011</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>calculated TEI</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The table above shows TEI for Natividad Elementary School.
- Natividad’s TEI is at 7.3 indicating that new teachers are staying.
- SCESD calculated the TEI for the seven similar schools that are in Program Improvement in the district. The TEI is 7.5.
- SCESD calculated the TEI for five similar schools that have been in Program Improvement for more than five years. The TEI is 7.1.
- SCESD calculated the TEI for six similar schools that have 55% or more LEP students. The TEI is 7.3.

Various factors have impacted the school’s ability to meet the TEI target of 8.2 years:
- Since 2005-2006 the District and Natividad Elementary School have experienced a number of retirements and change in status that impacts our growth in TEI experience value.
- The District has provided retirement incentives (Golden Handshake) to encourage experienced teachers to retire.
- In fully implementing the Class Size Reduction (CSR) Requirement, the school has recruited new teachers, some of which have less experience, but who are highly motivated to inspire children to learn as seen by API growth. Hiring new teachers has a negative impact on the Teacher Experience Index. In taking the necessary steps to try to meet the CSR requirement, Natividad has created difficulties in meeting the TEI requirement.
• The teacher transfer articles of our collective bargaining agreement limit teacher assignment. These articles make transferring teachers to Natividad Elementary School to meet the TEI target difficult.
• Natividad Elementary is located in Northeast Salinas and has a higher crime rate area than other areas of Salinas where there is a more stable teacher population. While some teachers stay, others transfer to other schools within the district.

The combination of new hires at Natividad Elementary School, adhering to contractual language in transferring experienced teachers, experienced teachers becoming resource teachers as well as retirements, has made it a challenge to meet the TEI requirement.

Natividad Elementary has substantially met the following requirements at the previous benchmark years:
• Met the class size reduction requirements for full implementation.
• Teachers that are highly qualified as defined by federal requirements teach all classes. (100%)
• Forty hours of professional development provided to teachers. (100%)
• Professional development provided to paraprofessionals.
• Met all the requirements for the Williams settlement.
• Exceeded the API growth targets for the school averaged over the past three years.

<table>
<thead>
<tr>
<th>Year</th>
<th>Growth Target</th>
<th>Growth</th>
<th>Growth API</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-2008</td>
<td>8</td>
<td>56</td>
<td>706</td>
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<tr>
<td>2008-2009</td>
<td>5</td>
<td>5</td>
<td>710</td>
</tr>
<tr>
<td>2009-2010</td>
<td>5</td>
<td>23</td>
<td>734</td>
</tr>
<tr>
<td>2010-2011</td>
<td>5</td>
<td>14</td>
<td>747</td>
</tr>
<tr>
<td>3 Year Average</td>
<td>5</td>
<td>13.7</td>
<td></td>
</tr>
</tbody>
</table>

Natividad Elementary School is asking for a waiver of the Teacher Experience Index requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Natividad Elementary School is seeking a waiver of this requirement from 2010-2011 to the 2011-2012 school year.

Natividad is asking for a TEI of 7.0 for the 2010-2011 school year.

Natividad is asking, for the 2011-2012 school year for the average TEI of the State QEIA Schools of 6.7. or
The 2010-2011 calculated TEI for the five similar schools that have been in Program Improvement status for five years or more. TEI 7.1

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 42 point API growth over the last three years, 98 API growth over four years. Natividad Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the TEI requirement for the 2010-2011 and 2011-2012 school years.
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
Class Size Average

7. Desired outcome/rationale

Salinas City Elementary School District and Natividad Elementary School have encountered various challenges in meeting the QEIA CSR Target.

Class Size Reduction Information for Natividad Elementary School

<table>
<thead>
<tr>
<th>Grade</th>
<th>2005-06</th>
<th>QEIA CSR Target</th>
<th>2006-07 Base Size</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
<th>2010-11 Four PI Non QEIA Schools Average</th>
<th>Projected 2011-12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kinder</td>
<td>20.4</td>
<td>18</td>
<td>20.5</td>
<td>18.5</td>
<td>20.3</td>
<td>19.1</td>
<td>24.7</td>
<td>22.1</td>
</tr>
<tr>
<td>Grade 1</td>
<td>20.4</td>
<td>19.5</td>
<td>18.5</td>
<td>19.5</td>
<td>18</td>
<td>21.4</td>
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<td>23.6</td>
</tr>
<tr>
<td>Grade 2</td>
<td>20.4</td>
<td>18.2</td>
<td>19.5</td>
<td>20</td>
<td>20.2</td>
<td>19.1</td>
<td>24.3</td>
<td>19.2</td>
</tr>
<tr>
<td>Grade 3</td>
<td>20.4</td>
<td>17.6</td>
<td>19.2</td>
<td>18.2</td>
<td>20.4</td>
<td>19.9</td>
<td>25.9</td>
<td>21.9</td>
</tr>
<tr>
<td>Grade 4</td>
<td>25</td>
<td>30.3</td>
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<td>22.5</td>
<td>21.5</td>
<td>21.1</td>
<td>30.4</td>
<td>25.7</td>
</tr>
<tr>
<td>Grade 5</td>
<td>25</td>
<td>30.3</td>
<td>23.6</td>
<td>23</td>
<td>20.1</td>
<td>21.4</td>
<td>30.2</td>
<td>22.3</td>
</tr>
<tr>
<td>Grade 6</td>
<td>21</td>
<td>26</td>
<td>22.4</td>
<td>22.6</td>
<td>29.5</td>
<td>21.1</td>
<td>28.7</td>
<td>30.6</td>
</tr>
</tbody>
</table>

Desired Outcome

For the 2010-2011 School Year Salinas City Elementary School District and Natividad Elementary School are requesting modification of CSR targets for grades K, 1st, and 6th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2010 through June 30, 2011.

- CSR target modification requested for 3 Kindergarten classes: one class at 21 students and two classes at 22 students per classroom.
- CSR target modification requested for First Grade classes: 22 students per classroom.
- CSR target modification requested for Fourth to Sixth Grade classes: Establish an average of 25 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2010-2011 school year.

For the 2011-2012 School Year Salinas City Elementary School District and Natividad Elementary School are requesting CSR targets for grades K-6th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2011 through June 30, 2012.

- CSR target modification requested for Natividad Elementary School to an average class size at the school level to 23.0 students per classroom in core classes in Kindergarten, grades one, two and three.
- CSR target modification requested for Fourth to Sixth Grade classes: Establish an average of 25 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2011-2012 school year.
- If possible for these averages to be established for the remainder of the QEIA Grant years.

Rationale: Various factors have impacted the school's ability to meet the CSR targets

The result of the CSR limits established through QEIA, the school and district instructional decisions, budget constraints, including EC Section 52124.3, the new schedule of reduced funding percentages for classes exceeding 20.44 pupils are some of the challenges that Salinas City Elementary School District and Natividad Elementary School have encountered in meeting the QEIA CSR Target.

In addition, the school is composed predominantly of English learners, low income and migrant families. Enrollment varies throughout the year due to the nature of family dynamics. Some students start after school begins and move away before school ends. Natividad Elementary has a high mobility rate. Less than 30% of students who start Kindergarten continue to be enrolled at Natividad by the end of the sixth grade.
Furthermore, Natividad was already attempting to reduce class size in sixth grade. The QEIA CSR Target was established at 21 and makes it more difficult to achieve than a 25 student average.

Because of Natividad Elementary School’s low academic performance, the School Site Council and District made a decision to provide instruction in single grade level configurations because it maximizes grade level instructional time. Instruction at Natividad does not include combination classes. QEIA funding is assisting Natividad Elementary School in its efforts to have a low student teacher ratio. (See Table above)

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 42 point API growth over the last three years, 98 API growth over four years. Natividad Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the Class Size Reduction requirement for the 2010-2011 and 2011-2012 school years. Without QEIA’s funding the school would not be able to continue to implement these programs that have had a very positive effect on student learning.

Natividad Elementary has substantially met the following requirements at the previous benchmark years:

- Met the class size reduction requirements for full implementation.
- Teachers that are highly qualified as defined by federal requirements teach all classes. (100%)
- Forty hours of professional development provided to teachers. (100%)
- Professional development provided to paraprofessionals.
- Met all the requirements for the Williams settlement.
- Exceeded the API growth targets for the school averaged over the past three years.

Additional Information for 2010-2011 Four PI Non QEIA Schools Averages

- Loma vista School had 4 combination classes in 2010-2011: K-1, 1-2, 4-5 & 5-6.
- Kammann School had 2 combination classes in 2010-2011: 4-5 & 5-6.
- Roosevelt School had 2 combination classes in 2010-2011: 2-3 & 5-6. Roosevelt also paid for one extra teacher to reduce class size.

- Natividad hired seven additional elementary school teachers for the 2010-2011 school year.
- Natividad hired four additional elementary school teachers for the 2011-2012 school year and is planning on hiring additional teacher/s in January to help meet class size requirements.
- Non-QEIA schools have one to four combination classes.
- QEIA schools have no combination classes.

Natividad Elementary School is asking for a waiver of the CSR in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school.
Local Educational Agency Request:

Salinas City Elementary School District (ESD) is located in Monterey County and has a student population of approximately 8,325 students. Sherwood Elementary School (ES) serves 790 students in kindergarten and grades one through grade six (K–6). Monitoring performed by the Monterey County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Sherwood ES in K–3, and grades five and six for the 2010–11 school year. The district provided class size information from 2006–07, the base year upon which QEIA CSR targets are calculated, showing that the average size of core classes of English, mathematics, history-social science, and science in K–6 were 21.4, 18.8, 21.2, 21.7, 28.8, 23.8, and 24.8. The QEIA CSR targets for K–6 are 20.44 (K–3), 23.8 grade four, 18.8 grade five, and 19.8 for grade six.

Salinas City ESD states that some of the challenges impacting Sherwood ES’s ability to meet the QEIA CSR targets result from school and district instructional decisions, budget constraints, and the new schedule of reduced funding percentages for classes exceeding 20.44 pupils. The district states that Sherwood ES is composed predominantly of English learners from low income and migrant families. Sherwood ES has a high mobility rate and some students start after the school year begins and move away before the school year ends.

Salinas City ESD requests a waiver for exceeding its QEIA CSR targets at Sherwood ES for 2010–11 in six kindergarten classes (one class at 21 and five classes at 22), three grade one classes (one class at 21.17, one class at 20.46, and one class at 20.79), six grade two classes (three classes at 22 and three classes at 23). In addition, the district requests an alternative target of 24.0 per classroom in grade three and the establishment of an average target of 25 students in core classes in grades four through six combined.

For school year 2011–12, Salinas City ESD requests a waiver of the QEIA CSR targets for K–6 at Sherwood ES and establishment of alternative CSR targets of 23.0 per class in K–3 and the establishment of an average target of 25 students in core classes in grades four through six combined.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Salinas City ESD’s request to increase its CSR targets for K–6. The alternative targets are consistent with the intent of QEIA to ensure that students at funded schools benefit from lower class sizes.
The CDE recommends approval with the following conditions: (1) Applies only to classes in K–6 at Sherwood ES for school year 2010–11 and 2011–12; (2) Sherwood ES increase to 23.0 the class size in K–3 and maintain an average class size in core classes at the school level to 25.0 students per classroom in grades four through six in the 2011–12 school year; (3) No classroom in grades four through six may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Salinas City ESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.


Supported by Salinas Elementary Teacher Council of CTA and California School Employee Association, Chapter 149 on November 9, 2011 and December 6 and 9, 2011.

**Local Board Approval:** December 12, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

Local educational agency:
Salinas City Elementary School District for Sherwood Elementary School 6026611

Contact name and Title:
Dr. Donna Alonzo Vaughan, Superintendent
Terri Dye, Principal
Ernesto G. González, Jr.
Coordinator Program Improvement & C.P.

Contact person’s e-mail address:
egonzalezsr@salinascity.k12.ca.us

Address:                                     Phone (and extension, if necessary):
840 South Main Street                           831-784-2235
Salinas                                         Fax Number: 831-753-5610
110 S. Wood St.                                December 12, 2011
Salinas                                         December 12, 2011
California                                      December 12, 2011
93901                                           December 12, 2011
93905

Period of request: (month/day/year) Local board approval date: (Required)
From: July 1, 2010 To: June 30, 2012

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):

   Code of Regulations section(s) to be waived (number): 52055.740 (a) (4)  Circle One: EC or CCR
   52055.740 section (a) (1) (A); section (a) (1) (B) (i) & (ii)  Circle One: EC or CCR

   Topic of the waiver: Quality Education Investment Act (QEIA)    Teacher Experience Index
   Quality Education Investment Act (QEIA)    Class Size Waiver

2. If this is a renewal of a previously approved waiver, please list Waiver Number:   _____  and date of SBE Approval______
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No   _X_ Yes
   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):
   November 9, 2011 December 6, 2011; December 9, 2011

   Name of bargaining unit and representative(s) consulted:
   Salinas Elementary Teacher Council of CTA California School Employee Association, Chapter 149
   Carol Rodrigues, President Joe Sanchez, President
   Rosie Sanchez, Chapter Public Relations Officer

   The position of SETC of CTA: _X_ Support  _X_ Oppose (Please specify why)
   The position of CSEA, Chapter 149: _X_ Support  _X_ Oppose (Please specify why)
   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?
   ___ Notice in a newspaper _X_ Notice posted at each school _X_ Other: (Please specify) District Webpage

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Sherwood School Site Council
   Date the committee/council reviewed the waiver request:
   October 28, 2011

   Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

EC 52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.

EC 52055.730 (d) On or before June 30, 2007, the Superintendent, in consultation with interested parties, shall develop a uniform process that can be used to calculate average experience for purposes of reporting, analyzing, or evaluating the distribution of classroom teaching experience in grades, school sites, or subjects across the district. The uniform process shall include an index that uses the 2005-06 California Basic Educational Data System (CBEDS) Professional Assignment Information Form (PAIF), including any necessary corrections, as the base-reporting year to evaluate annual improvements of the funded schools toward balancing the index of teaching experience. The index shall be approved by the Superintendent. The uniform process shall designate teaching experience beyond 10 years as 10 years.

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) Meet all of the following class size requirements:

   (A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).

   (B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) At least five pupils fewer per classroom than was the average in 2006-07.
      (ii) An average of 25 pupils per classroom.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

By 2010-2011, QEIA schools must ensure that their average level of teaching experience meets or exceeds the average level of teaching experience among all teachers at the same type of school in the district. The average level of teaching experience that QEIA schools must meet is based on the teaching experience levels reported by the district in 2005-2006. District average experience levels or "Teacher Experience Index Targets" were calculated and were established at 8.2. The State QEIA Schools TEI is 6.7. The district did three different calculations using different criteria for 2010-2011 similar schools. The three TEI results are 7.5, 7.1 and 7.3.

Sherwood Elementary School is asking for a waiver of this requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Sherwood Elementary School is seeking a waiver of this requirement from 2010-2011 to the 2011-2012 school year. [See attached: Teacher Experience Index]

[See attached: Quality Education Investment Act (QEIA) Class Size Waiver]

8. Demographic Information:
Salinas City Elementary School District has a population of 8,325 K-6 students. Sherwood Elementary has a total K-6 population of 790 students. Based on the Consolidated Application 2010-2011: Hispanic or Latino = 789, American Indian or Alaskan Native = 0, Asian = 1, Black or African American = 2, Native Hawaiian or PI = 1, White = 6, Multiracial = 1. 94.5% of the students qualify for free or reduced lunch. 76.5% of the students are English Learners. The school is located in the East side of Salinas.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  No ☐   Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☐   Yes ☐
(If yes, please attach explanation or copy of CPM finding)
**CALIFORNIA DEPARTMENT OF EDUCATION**  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

<table>
<thead>
<tr>
<th>District or County Certification</th>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
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<tr>
<td></td>
<td>JUVENTAL LUZA, Ph.D.</td>
<td>Assistant Superintendent Educational Services</td>
<td>December 12, 2011</td>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

<table>
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<td>Unit Manager (type or print):</td>
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<td>Division Director (type or print):</td>
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</tr>
<tr>
<td>Deputy (type or print):</td>
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Salinas City Elementary School District and Sherwood Elementary School have encountered various challenges in meeting the Teacher Experience Index. In 2005-2006, the District had a large number of experienced elementary school staff resulting in a calculated TEI of 8.2. Of the 486 QEIA Schools, only 19 have an average TEI equal to or higher than Sherwood Elementary.

<table>
<thead>
<tr>
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<td>Los Padres</td>
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<tr>
<td>calculated TEI</td>
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<td>calculated TEI</td>
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<td>8.3</td>
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<td>(2005-06)</td>
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<td>State QEIA School’s TEI</td>
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<td>2010-2011</td>
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<td></td>
<td>7.5</td>
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<td>2010-2011</td>
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<tr>
<td>calculated TEI for 5 PI similar schools</td>
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<tr>
<td>PI = (5 + Years)</td>
<td>7.1</td>
<td></td>
<td></td>
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<td>LEP 55% or Higher</td>
<td>7.3</td>
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</table>

The table above shows growth in TEI for Sherwood Elementary School.

- Sherwood’s TEI is at 7.8 indicating that new teachers are staying.
- SCESD calculated the TEI for the seven similar schools that are in Program Improvement in the district. The TEI is 7.5.
- SCESD calculated the TEI for five similar schools that have been in Program Improvement for more than five years. The TEI is 7.1.
- SCESD calculated the TEI for six similar schools that have 55% or more LEP students. The TEI is 7.3.

Various factors have impacted the school’s ability to meet the TEI target of 8.2 years:

- Since 2005-2006 the District and Sherwood Elementary School have experienced a number of retirements and change in status that impacts our growth in TEI experience value.
- The District has provided retirement incentives (Golden Handshake) to encourage experienced teachers to retire.
- In attempting to fully implement the Class Size Reduction (CSR) Requirement, the school has recruited new teachers, some of which have less experience, but who are highly motivated to inspire children to learn as seen by API growth. Hiring new teachers has a negative impact on the Teacher Experience Index. In taking the necessary steps to try to meet the CSR requirement, Sherwood has created difficulties in meeting the TEI requirement.
• The teacher transfer articles of our collective bargaining agreement limit teacher assignment. These articles make transferring teachers to Sherwood Elementary School to meet the TEI target difficult.
• Sherwood Elementary is located in East Salinas and has a higher crime rate area than other areas of Salinas where there is a more stable teacher population. While some teachers stay, others transfer to other schools within the district.

The combination of new hires at Sherwood Elementary School, adhering to contractual language in transferring experienced teachers, experienced teachers becoming resource teachers as well as retirements, has made it a challenge to meet the TEI requirement.

Sherwood Elementary has substantially met the following requirements at the previous benchmark years:
• Met the class size reduction requirements for full implementation.
• Teachers that are highly qualified as defined by federal requirements teach all classes. (100%)
• Forty hours of professional development provided to teachers. (100%)
• Professional development provided to paraprofessionals.
• Met all the requirements for the Williams settlement.
• Exceeded the API growth targets for the school averaged over the past three years.

<table>
<thead>
<tr>
<th>Year</th>
<th>Growth Target</th>
<th>Growth</th>
<th>Growth API</th>
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<tr>
<td>2007-2008</td>
<td>10</td>
<td>14</td>
<td>605</td>
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<td>2008-2009</td>
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<td>2009-2010</td>
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<td>636</td>
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<tr>
<td>2010-2011</td>
<td>8</td>
<td>14</td>
<td>650</td>
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<tr>
<td>3 Year Average</td>
<td>9</td>
<td>17.3</td>
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</table>

Sherwood Elementary School is asking for a waiver of the Teacher Experience Index requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Sherwood Elementary School is seeking a waiver of this requirement from 2010-2011 to the 2011-2012 school year.

Sherwood is asking for a TEI of 7.4 for the 2010-2011 school year.

Sherwood is asking, for the 2011-2012 school year for the average TEI of the State QEIA schools of 6.7. or The 2010-2011 calculated TEI for the five similar schools that have been in Program Improvement status for five years or more. **TEI 7.1**

TheQEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 52 point API growth over the last three years, 66 API growth over four years. Sherwood Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the TEI requirement for the 2010-2011 and 2011-2012 school years.
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
Class Size Average

7. Desired outcome/rationale

Salinas City Elementary School District and Sherwood Elementary School have encountered various challenges in meeting the QEIA CSR Target.

Class Size Reduction Information for Sherwood Elementary School

<table>
<thead>
<tr>
<th></th>
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<td>18.2</td>
<td>21.5</td>
<td>24.7</td>
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<td>Grade 1</td>
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<td>18.8</td>
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<td>20</td>
<td>20.3</td>
<td>24</td>
<td>20.7</td>
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<tr>
<td>Grade 2</td>
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<td>21.2</td>
<td>19.7</td>
<td>17.6</td>
<td>20</td>
<td>22.1</td>
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<td>Grade 3</td>
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<td>16.7</td>
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<td>Grade 4</td>
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<td>24</td>
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<td>22.1</td>
<td>21.1</td>
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<td>30.2</td>
<td>20.3</td>
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<tr>
<td>Grade 6</td>
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<td>25.3</td>
<td>20.7</td>
<td>28.7</td>
<td>22.3</td>
<td></td>
</tr>
</tbody>
</table>

Desired Outcome

For the 2010-2011 School Year Salinas City Elementary School District and Sherwood Elementary School are requesting CSR targets for grades K, 1st, 2nd, 3rd, 5th and 6th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2010 through June 30, 2011.

- CSR target modification requested for 6 Kindergarten classes: one class at 21 students, five classes at 22 students per classroom.
- CSR target modification requested for First Grade classes: one class at 21.17 students, one class at 20.46 students and one class at 20.79 students per classroom.
- CSR target modification requested for Second Grade classes: three classes at 22 students and three classes at 23 students per classroom.
- CSR target modification requested for Third Grade classes: 24 students per classroom.
- CSR target modification requested for Fourth to Sixth Grade classes: Establish an average of 25 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2010-2011 school year.

For the 2011-2012 School Year Salinas City Elementary School District and Sherwood Elementary School are requesting CSR targets for grades K-6th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2011 through June 30, 2012.

- CSR target modification requested for Sherwood Elementary School to an average class size at the school level to 23.0 students per classroom in core classes in Kindergarten, grades one, two and three.
- CSR target modification requested for Fourth to Sixth Grade classes: Establish an average of 25 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2011-2012 school year.
- If possible for these averages to be established for the remainder of the QEIA Grant years.

Rationale: Various factors have impacted the school’s ability to meet the CSR targets

The result of the CSR limits established through QEIA, the school and district instructional decisions, budget constraints, including EC Section 52124.3, the new schedule of reduced funding percentages for classes exceeding 20.44 pupils are some of the challenges that Salinas City Elementary School District and Sherwood Elementary School have encountered in meeting the QEIA CSR Target.
In Addition, the school is composed predominantly of English learners, low income and migrant families. Enrollment varies throughout the year due to the nature of family dynamics. Some students start after school begins and move away before school ends. Sherwood Elementary has a high mobility rate. Less than 25% of students who start Kindergarten continue to be enrolled at Sherwood by the end of the sixth grade.

Furthermore, Sherwood was already attempting to reduce class size in fourth, fifth and sixth grade. The QEIA CSR Average Target was established at 23.8, 18.8 and 19.8 and makes it difficult to achieve with dwindling budgets.

Because of Sherwood Elementary School’s low academic performance, the School Site Council and District made a decision to provide instruction in single grade level configurations because it maximizes grade level instructional time. Instruction at Sherwood does not include combination classes. QEIA funding is assisting Sherwood Elementary School in its efforts to have a low student teacher ratio. (See Table above)

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 52 point API growth over the last three years, 66 API growth over four years. Sherwood Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the Class Size Reduction requirement for the 2010-2011 and 2011-2012 school years. Without QEIA’s funding the school would not be able to continue to implement these programs that have had a very positive effect on student learning.

Sherwood Elementary has substantially met the following requirements at the previous benchmark years:

- Met the class size reduction requirements for full implementation.
- Teachers that are highly qualified as defined by federal requirements teach all classes. (100%)
- Forty hours of professional development provided to teachers. (100%)
- Professional development provided to paraprofessionals.
- Met all the requirements for the Williams settlement.
- Exceeded the API growth targets for the school averaged over the past three years.

Additional Information for 2010-2011 Four PI Non QEIA Schools Averages

- Loma vista School had 4 combination classes in 2010-2011: K-1, 1-2, 4-5 & 5-6.
- Kammann School had 2 combination classes in 2010-2011: 4-5 & 5-6.
- Roosevelt School had 2 combination classes in 2010-2011: 2-3 & 5-6. Roosevelt also paid for one extra teacher to reduce class size.

- Sherwood hired six additional elementary school teachers for the 2010-2011 school year.
- Sherwood hired seven additional elementary school teachers for the 2011-2012 school year to help meet class size requirements.
- Non-QEIA schools have one to four combination classes.
- QEIA schools have no combination classes.

Sherwood Elementary School is asking for a waiver of the CSR in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school.
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2012 AGENDA

General Waiver

SUBJECT
Request by three local educational agencies to waive portions of California Education Code Section 52055.740(a), regarding the Teacher Experience Index under the Quality Education Investment Act.

Waiver Number(s): Greenfield Union Elementary 76-12-2011
Mountain Empire Unified 39-12-2011
Salinas City Elementary 89-12-2011
Salinas City Elementary 90-12-2011
Salinas City Elementary 91-12-2011

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

See Attachments 1, 3, 5, 7, and 9 for details.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California Department of Education (CDE) Waiver Office has previously presented waivers regarding revising the Teacher Experience Index (TEI) under the Quality Education Investment Act (QEIA) to the State Board of Education (SBE).

SUMMARY OF KEY ISSUES

Teacher Experience Index

Schools participating in the QEIA Program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

Quality Education Investment Act schools are required to include an index based on the 2005–06 California Basic Educational Data System Professional Assignment Information Form as the base-reporting year to evaluate annual improvements of funded schools toward balancing the index of teacher experience. Approved by the
SUMMARY OF KEY ISSUES (Cont.)

district superintendent, the index is an aggregate indicator of the teaching experience on a scale of one to ten. QEIA schools are required to have a TEI equal to or exceeding the average for the school district for this type of school and maintain or exceed this experience level for the duration of funding.

If an LEA requests a waiver of the TEI, the CDE reviews a range of information regarding the unique circumstances of the school and the LEA when formulating a recommendation to the SBE.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed; (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request; (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees; (4) Pupil or school personnel protections are jeopardized; (5) Guarantees of parental involvement are jeopardized; (6) The request would substantially increase state costs; and (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the TEI targets based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: Greenfield Union Elementary School District Request 76-12-2011 for a Quality Education Investment Act Teacher Experience Index Waiver (2 pages)

Attachment 2: Greenfield Union Elementary School District General Waiver Request 76-12-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Mountain Empire Unified School District Request 39-12-2011 for a Quality Education Investment Act Teacher Experience Index Waiver (2 pages)
ATTACHMENT(S) (Cont.)

Attachment 4: Mountain Empire Unified School District General Waiver Request 39-12-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Salinas City Elementary School District Request 89-12-2011 for a Quality Education Investment Act Teacher Experience Index Waiver (2 pages)

Attachment 6: Salinas City Elementary School District General Waiver Request 89-12-2011 (7 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Salinas City Elementary School District Request 90-12-2011 for a Quality Education Investment Act Teacher Experience Index Waiver (2 pages)

Attachment 8: Salinas City Elementary City School District General Waiver Request 90-12-2011 (7 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Salinas City Elementary School District Request 91-12-2011 for a Quality Education Investment Act Teacher Experience Index Waiver (2 pages)

Attachment 10: Salinas City Elementary School District General Waiver Request 91-12-2011 (7 pages) (Original waiver request is signed and on file in the Waiver Office.)
Waiver Number: 76-12-2011  Period of Request: August 17, 2010, to June 22, 2011
Period Recommended: August 17, 2010, to June 22, 2011

Mary Chapa Literacy and Technology Academy  CDS Code: 27 66035 6026116
Greenfield Union Elementary School District

Local Educational Agency Request:

Greenfield Union Elementary School District (UESD) is a rural school district located in Monterey County and has a student population of approximately 2,735 students. Mary Chapa Literacy and Technology Academy (LTA) serves 371 students in kindergarten and grades one through two (K–2). Greenfield UESD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average Greenfield UESD TEI is 6.6. Mary Chapa LTA is the only school in Greenfield UESD with a grade configuration of K–2, so no comparative TEI data is available for 2010–11. Greenfield UESD is concurrently requesting an Academic Performance Index (API) waiver for Mary Chapa LTA.

Greenfield (UESD) states that it has struggled to recruit and maintain experienced teachers and administrators. The district was awarded a School Improvement Grant (SIG), providing the opportunity to recruit a larger number of new highly qualified teachers who consequently had fewer than five years teaching experience. In addition, Mary Chapa LTA had three different principals during the 2010–11 school year, a fact which the LEA believes compounded the problem of maintaining experienced teachers.

Greenfield UESD requests a waiver of the QEIA TEI target for Mary Chapa LTA and establishment of an alternative TEI target of 6.2 for the 2010–11 school year.

Additional Local Educational Agency and School Information for Consideration:

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<th>School Locale Code</th>
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<td>School ADA</td>
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<tr>
<td>Grade Span</td>
<td>K–2</td>
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<tr>
<td>Total Number Of Schools With Similar Grade Span</td>
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<td>2005–06 TEI</td>
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<tr>
<td>2010–11 QEIA School TEI</td>
<td>6.2</td>
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<td>2010–11 Similar Type School TEI</td>
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<td>Made AYP?</td>
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*Town Distant: Territory inside an urban cluster that is more than 10 miles and less than or equal to 35 miles from an urbanized area.
California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Greenfield UESD’s request to reduce its TEI target for Mary Chapa LTA for 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Mary Chapa LTA; (2) For 2010–11, the alternate TEI index of 6.2 shall be established at Mary Chapa LTA; (3) For 2011–12 and subsequent years, Mary Chapa LTA must meet or exceed the TEI of 6.6; and (4) Within 30 days of approval of this waiver, Greenfield USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the TEI requirement.

Reviewed by Mary Chapa Literacy and Technology Academy Schoolsite Council on December 12, 2011.

Supported by Greenfield Teachers Association, November 17, 2011.

Local Board Approval: December 14, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ____

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

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<th>Contact name and Title:</th>
<th>Contact person’s e-mail address:</th>
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<tbody>
<tr>
<td>Greenfield Union School District</td>
<td>Tina Martinez Curriculum and Instruction Director</td>
<td><a href="mailto:tmartinez@greenfield.k12.ca.us">tmartinez@greenfield.k12.ca.us</a></td>
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<tr>
<th>Address:</th>
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<th>(State)</th>
<th>(ZIP)</th>
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<tr>
<td>493 El Camino Real</td>
<td>Greenfield</td>
<td>California</td>
<td>93927</td>
<td>(831) 674-2840, ext. 2011</td>
<td>(831) 674-3712</td>
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<th>Date of public hearing: (Required)</th>
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1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  Circle One: EC or CCR

Topic of the waiver:
Waive the Quality Education Investment Act Teacher Experience Index requirements and the API growth target requirements for Mary Chapa Literacy and Technology Academy
- California Education Code Section 52055.740(D) (4), regarding Teacher Experience Index
- California Education Code Section 52055.740 (D)(5), regarding API growth targets

2. If this is a renewal of a previously approved waiver, please list Waiver Number: N/A and date of SBE Approval NA
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes
If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): November 17, 2011

Name of bargaining unit and representative(s) consulted: Greenfield Union School District Superintendent Trevor McDonald consulted with Greenfield Teachers’ Association President, Alan Homes.

The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.
How was the required public hearing advertised?

_ X_ Notice in a newspaper _X_ Notice posted at each school ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: On December 12, 2011 the School Site Council of Mary Chapa Literacy and Technology Academy reviewed this application and did not object to the waiver.
Were there any objection(s)? No _X__ Yes ___ (If there were objections please specify)
6. *Education Code or California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a *strike out key*).

- California *Education Code* Section 52055.740(D)(4), regarding Teacher Experience Index
  (4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.

- California *Education Code* Section 52055.740(D)(5), regarding API growth targets
  (5) Exceed the API growth target for the school averaged over the first three full years of funding.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.  *Please see attachment # 1*

8. Demographic Information:
The Greenfield Union School District (GUSD) is a small, rural, high poverty district in the Salinas Valley, Monterey County. The district has five schools, two grades K-5 schools, one grades K-2 school, one grades 3-5 school and one grades 6-8 middle school. The district serves approximately 2,735 students. The District is currently in Program Improvement Year Three (Cohort 1) and was required in March 2008 to contract with Monterey County Office of Education (MCOE) as its DAIT provider and to implement Corrective Action 6. In January of 2010 due to lack of progress in increasing student achievement and fully implementing Corrective Action 6, the State Board of Education acted to assign Greenfield Corrective Action 3, appoint a state trustee to Greenfield in addition to Corrective Action 6. The state trustee was identified and began in the district on May 5, 2010. The state trustee was given authority to stay or rescind governing board actions as authorized by the state board for a period of not less than three years. The district has a new DAIT provider New Directions for Academic Advancement which began working with the district in the summer of 2010.

The district originally had four schools, and all were in Program Improvement. As of 2011 one of the schools, Greenfield Elementary, was restructured to better meet the needs of the student population by becoming two separate schools, one a grades K-2 school, Mary Chapa Literacy and Technology Academy, and the other a grades 3-5 school, El Camino Real Science and Technology Academy.

- Is this waiver associated with an apportionment related audit penalty? (per *EC 41344*)  No X Yes □
  (If yes, please attach explanation or copy of audit finding)

- Has there been a Categorical Program Monitoring (CPM) finding on this issue? No □ Yes □
  (If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title: Superintendent</th>
<th>Date: 12/15/11</th>
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</thead>
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*FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY*

<table>
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<tr>
<th>Staff Name (type or print):</th>
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<th>Date:</th>
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<tr>
<td>Unit Manager (type or print):</td>
<td>Unit Manager Signature:</td>
<td>Date:</td>
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<td>Division Director (type or print):</td>
<td>Division Director Signature:</td>
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<tr>
<td>Deputy (type or print):</td>
<td>Deputy Signature:</td>
<td>Date:</td>
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</tbody>
</table>
Attachment #1 Greenfield Union School District

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The Greenfield Elementary School District has consistently met all requirements for the schools in the program. During the 2010-11 school year the Greenfield Elementary School, as part of the School Improvement Process, was restructured into two separate schools. The district was awarded a SIG grant to do just that. Greenfield Elementary School went from a K-5 school to a K-2 school (Mary Chapa Literacy and Technology Academy) and a 3-5 school (El Camino Real Science and Technology Academy). As a result of the restructuring, Mary Chapa Academy maintained the original CDS code that belonged to Greenfield Elementary School and with that, the requirements associated with the QEIA grant.

Due to Mary Chapa inheriting the original GES school code, it provided many challenges in the transformation from Greenfield Elementary School to the Mary Chapa Academy. We are requesting that a waiver be granted for Mary Chapa Academy in regards to the following two areas: 1) API growth target and 2) Teacher Experience Index.

The first area of concern is in regard to the API target. As a new school having only grade 2 (111 students tested) contributing to the new API score for the 2010-11 year, averaging Mary Chapa’s current API score with previous year API scores that included grades 2-5 (409 students tested), caused the school to not meet its API target. A waiver for Mary Chapa’s API target is necessary to set a more realistic benchmark by which to measure student progress. Using the current 2010-11 API score to establish a new target that is based on the established grade 2 baseline score will allow for a more precise measure of student progress.

This past 2010-11 school year (2010-2011) the second area that needs consideration is the Teacher Experience Index requirement. As a rural school district, the Greenfield Union School District has struggled to recruit and maintain experienced teachers and administrators. In addition, we were funded for the School Improvement Grant (SIG) program which gave us the opportunity to recruit a larger number of new highly qualified teachers that consequently had less than 5 years teaching experience. Moreover, Mary Chapa Academy had 3 different Principals last year. The change in administrators, along with the restructuring of the school, compounded the problem of maintaining experienced teachers. Lastly, collective bargaining agreements make it more challenging to appropriately place experienced teachers in a setting that is being transformed. Mary Chapa’s teacher experience index was 6.2 versus the 6.6 for the district. A waiver of the Teacher Experience Index target will allow the district to continue to improve student achievement by supporting the continued reform currently in progress.
Waiver Number: 39-12-2011  Period of Request: July 1, 2010, to June 30, 2012  
Period Recommended: July 1, 2010, to June 29, 2012

Potrero Elementary School  CDS Code: 37 68213 6097190
Mountain Empire Unified School District

Local Educational Agency Request:

Mountain Empire Unified School District (USD) is a rural school district located in San Diego County and has a student population of approximately 2,400 students. Potrero Elementary School (ES) serves 265 students in kindergarten and grades one through eight (K–8). Mountain Empire USD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average Mountain Empire USD TEI is 7.6. Potrero ES is the only school in Mountain Empire USD with a grade configuration of K–8, so no comparative TEI data is available for 2010–11. Mountain Empire USD is concurrently requesting an Academic Performance Index waiver for Potrero ES and was previously granted a QEIA Class Size Reduction waiver in May 2010 by the State Board of Education.

Mountain Empire USD states that the isolated location of Potrero ES, along with a lack of industry, decent housing (in their words), recreation and other services makes finding employee to work at the school very difficult. The district states that teachers will work at the school for one or two years and then move to a more desirable area. The district states that teachers at its schools generally live in town and try to work in the school closest to their home, which can still be a long way to travel. The move to Potrero ES would add many miles to a teachers commute.

Mountain Empire USD requests a waiver of the QEIA TEI target for Potrero ES and establishment of an alternative TEI target of 7.5 for the 2010–11 school year.

Additional Local Educational Agency and School Information for Consideration:

<table>
<thead>
<tr>
<th>School Locale Code</th>
<th>42*</th>
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<tbody>
<tr>
<td>LEA Average Daily Attendance (ADA)</td>
<td>2,400</td>
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<tr>
<td>School ADA</td>
<td>265</td>
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<tr>
<td>Grade Span</td>
<td>K–8</td>
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<tr>
<td>Total Number Of Schools With Similar Grade Span</td>
<td>Only School</td>
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<tr>
<td>2005–06 TEI</td>
<td>7.6</td>
</tr>
<tr>
<td>2010–11 QEIA School TEI</td>
<td>7.5</td>
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<tr>
<td>2011–12 QEIA School TEI</td>
<td>8.7</td>
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<tr>
<td>2010–11 Similar Type School TEI</td>
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<td>Percent Of Similar Type School (2010–11 Data)</td>
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</tr>
<tr>
<td>Made API Growth?</td>
<td>No</td>
</tr>
<tr>
<td>Made AYP?</td>
<td>No</td>
</tr>
</tbody>
</table>

*Rural Distant: Census-defined rural territory that is more than 5 miles but less than or equal to 25 miles from an urbanized area, as well as rural territory that is more than 2.5 miles but less than or equal to 10 miles from an urban cluster.
California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Mountain Empire USD’s request to reduce its TEI target for Potrero ES for 2010–11 and 2011-12.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Potrero ES; (2) For 2010–11, the alternate TEI index of 7.5 shall be established at Potrero ES; (3) For 2011–12 and subsequent years, Potrero ES must meet or exceed the TEI of 7.6; and (4) Within 30 days of approval of this waiver, Mountain Empire USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the TEI requirement.

Reviewed by Potrero Elementary Schoolsite Council on December 7, 2011.

Supported by Mountain Empire Teachers Association, December 1, 2011.

Local Board Approval: December 13, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: __X_
Renewal Waiver: ____

Local educational agency: Mountain Empire Unified School District for Potrero Elementary

Contact name and Title: Barbara Cowling, Categorical Director

Contact person's e-mail address: bcowling@meusd.k12.ca.us

Address: 3291 Buckman Springs Road, Pine Valley, Ca 91962

Phone (and extension, if necessary): (619) 445-2126

Fax Number: (619) 445-2126

Period of request: From: 07/01/2010 To: 06/30/2012

Local board approval date: 12/13/11

Date of public hearing: 12/13/11

Legal Criteria

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code to be waived (number): EC 52055.740 Part 4 regarding Teacher Experience Index requirements under the Quality Education Investment Act, that the average teacher experience in this school be 7.6 years by the end of the 2010-2011 school year for Potrero Elementary School. Circle One: EC or CCR

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______ Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No __X__ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 12/1/11

   Name of bargaining unit and representative(s) consulted: Mari Mann

   The position(s) of the bargaining unit(s): __ Neutral __X__ Support __ Oppose (Please specify why)

   Comments (if appropriate): The representative supports keeping the QEIA grant but wants to work with administration to recruit experienced teachers to Potrero or move experienced teachers there.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper __X__ Notice posted at each school ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: December 9, 2011

   Were there any objection(s)? No __X__ Yes ___ (If there were objections please specify)
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. **Education Code** or **California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key). Following program requirements by the school by the end of the third full year of funding:

   (4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Potrero School is a small, rural school. There are only 14 teachers plus a full-time resource teacher (RSP). While six of these teachers have 10 or more years experience the other teachers have less experience than the teacher experience index of 7.6 years. Potrero missed the target by .1. This year we replaced the Kindergarten teacher with a more experienced teacher, which will also help the TEI.

Potrero School is situated in the small town of Potrero, population 656. Potrero Elementary School is a small, rural school in the southeastern part of San Diego County. It is five miles from the border crossing into Tecate, Mexico. Potrero Elementary School has approximately 265 students. A majority of the students speak Spanish and are learning English. There are nine classrooms and an after-school building for our AM/PM program. Additionally, there is a state pre-school on site and a county library on the site.

There is very little industry in this small community. Some parents are employed by the Office of Immigration, Border Patrol, the Mountain Empire Unified School District or work in another area of the county. This isolation, along with the lack of decent housing, recreation and other services, makes finding employees to work at our school very difficult. Teachers will work here one or two years, and move to a more desirable area. Additionally, we had a long-term teacher retire, which impacts the TEI negatively, as one teacher greatly effects the average teaching experience of the school.

The code states:

(4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.

When the formula was given for our TEI, the average was for the entire district, yet Potrero is not like other schools in the district, nor can it be compared to the other schools.

I am working with the superintendent to see if we can move some experienced teachers to our staff from other sites. This is difficult due to morale and union issues. Teachers in our district generally live in town and try to work in the school closest to their home, which can still be a long way away. The move to Potrero would add many miles to their commute.

"In 2009-10 our TEI was 5.1 and our TEI for 2010-2011 was 7.5, which falls .1 short of the 7.6 district average. Despite not meeting the TEI averages, Potrero continues to increase the TEI and is meeting CSR targets, has made academic growth and continues to provide Professional Development to all staff members. The staff is committed to the work of the QEIA grant even though meeting TEI has been challenging.

Potrero Elementary School requests a waiver to not be held to the TEI of 7.6 years for the school year 2010-2011. This is a challenge that we cannot meet at this time."

8. Demographic Information:

   **(District/school/program) Potrero School** has a student population of 265 and is located in a rural area in San Diego County.
| **Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** | No ☒ Yes ☐  |
| (If yes, please attach explanation or copy of audit finding) |
| **Has there been a Categorical Program Monitoring (CPM) finding on this issue?** | No ☒ Yes ☐  |
| (If yes, please attach explanation or copy of CPM finding) |

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
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<tr>
<td></td>
<td>Superintendent</td>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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Waiver Number: 89-12-2011  Period of Request: July 1, 2010, to June 30, 2012
Period Recommended: July 1, 2010, to June 29, 2012

Natividad Elementary School  CDS Code: 27 66142 6026595
Salinas City Elementary School District

Local Educational Agency Request:

Salinas City Elementary School District (ESD) is located in Monterey County and has a student population of approximately 8,325 students. Natividad Elementary School (ES) serves 686 students in kindergarten and grades one through six. Salinas City ESD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average Salinas City ESD TEI is 8.2. Salinas City ESD’s average TEI for 2010–11 for this type of school is 7.5. Salinas City ESD is concurrently requesting a QEIA Class Size Reduction (CSR) waiver for Natividad ES.

Salinas City ESD states that it has experienced a number of retirements that impact the TEI calculation. The district states that in fully implementing the CSR requirements, the school has recruited new teachers, some of which have less experience, but who are highly motivated to inspire children. The district states that the teacher transfer articles of its collective bargaining agreement limit teacher assignment and make transferring teachers to Natividad ES difficult.

Salinas City ESD requests a waiver of the QEIA TEI target for Natividad ES and establishment of an alternative TEI target of 7.0 for the 2010–11 school year and 7.3 for the 2011–12 school year.

Additional Local Educational Agency and School Information for Consideration:

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<td>Yes</td>
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<td>Made AYP?</td>
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*City Midsized: Territory inside an urbanized area and inside a principal city with population less than 250,000 and greater than or equal to 100,000.
California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Salinas City ESD’s request to reduce its TEI target for Natividad ES for the 2010–11 and 2011–12 school year.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Natividad ES; (2) For 2010–11, the alternate TEI index of 7.0 shall be established at Natividad ES; (3) For 2011–12, the alternate TEI index of 7.3 shall be established at Natividad ES; (4) Since the LEA has proposed no alternative TEI, for 2012–13 and subsequent years, Natividad ES must meet or exceed the TEI of 8.2; and (5) Within 30 days of approval of this waiver, Salinas City ESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the TEI requirement.


Supported by Salinas Elementary Teacher Council, November 9, 2011 and California School Employees Association, Chapter 149, December 6, 2011.

Local Board Approval: December 12, 2011.
**CALIFORNIA DEPARTMENT OF EDUCATION**

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

**First Time Waiver:** _X_

**Renewal Waiver:** ___

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

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**CD CODE**

2 7 6 6 1 4 2

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**Local educational agency:**
Salinas City Elementary School District for Natividad Elementary School  6026595

**Contact name and Title:**
Dr. Donna Alonzo Vaughan, Superintendent  
Lori Sanders, Principal  
Ernesto G. González, Jr.  
Coordinator Program Improvement & C.P.

**Contact person’s e-mail address:**
egonzalezsr@salinascity.k12.ca.us

**Address:**
840 South Main Street  
Salinas  
California  93901

1464 Modoc Ave.  
Salinas  
California  93906

**Phone (and extension, if necessary):**
831-784-2235

**Fax Number:**
831-753-5610

**Period of request:**
From: July 1, 2010  
To: June 30, 2012

**Local board approval date:**
December 12, 2011

**Date of public hearing:**
December 12, 2011

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**LEGAL CRITERIA**

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):

   - 52055.740 (a) (4)
   - 52055.740 section (a) (1) (A); section (a) (1) (B) (i) & (ii)

   **Circle One:**
   - EC
   - CCR

**Topic of the waiver:**
- Quality Education Investment Act (QEIA)  
- Teacher Experience Index  
- Class Size Waiver

2. If this is a renewal of a previously approved waiver, please list Waiver Number:   _____  and date of SBE Approval______

   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  

   - No  _X_  Yes  
   
   If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):**
   
   - November 9, 2011  
   - December 6, 2011; December 9, 2011

   **Name of bargaining unit and representative(s) consulted:**
   
   - Salinas Elementary Teacher Council of CTA  
   - California School Employee Association, Chapter 149
   - Carol Rodrigues, President  
   - Joe Sanchez, President
   - Rosie Sanchez, Chapter Public Relations Officer

   **The position of SETC of CTA:**
   - _ Neutral  _X_  Support  _ Oppose (Please specify why)

   **The position of CSEA, Chapter 149:**
   - _ Neutral  _X_  Support  _ Oppose (Please specify why)

   **Comments (if appropriate):**

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   **How was the required public hearing advertised?**
   - _X_ Notice in a newspaper  
   - _X_ Notice posted at each school  
   - _X_ Other: (Please specify) **District Webpage**

5. **Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:**
   
   - Natividad School Site Council

   **Date the committee/council reviewed the waiver request:**
   
   - October 3, 2011

   **Were there any objection(s)?**  
   - No  _X_  Yes  
   
   (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

   EC 52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
   
   (4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.

   EC 52055.730. (d) On or before June 30, 2007, the Superintendent, in consultation with interested parties, shall develop a uniform process that can be used to calculate average experience for purposes of reporting, analyzing, or evaluating the distribution of classroom teaching experience in grades, school sites, or subjects across the district. The uniform process shall include an index that uses the 2005-06 California Basic Educational Data System (CBEDS) Professional Assignment Information Form (PAIF), including any necessary corrections, as the base-reporting year to evaluate annual improvements of the funded schools toward balancing the index of teaching experience. The index shall be approved by the Superintendent. The uniform process shall designate teaching experience beyond 10 years as 10 years.

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

   (1) Meet all of the following class size requirements:

   (A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).

   (B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      
      (i) At least five pupils fewer per classroom than was the average in 2006-07.
      (ii) An average of 25 pupils per classroom.

7. **Desired outcome/rationale.** Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   By 2010-2011, QEIA schools must ensure that their average level of teaching experience meets or exceeds the average level of teaching experience among all teachers at the same type of school in the district. The average level of teaching experience that QEIA schools must meet is based on the teaching experience levels reported by the district in 2005-2006. District average experience levels or “Teacher Experience Index Targets” were calculated and were established at 8.2. The State QEIA Schools TEI is 6.7. The district did three different calculations using different criteria for 2010-2011 similar schools. The three TEI results are 7.5, 7.1 and 7.3.

   Natividad Elementary School is asking for a waiver of this requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Natividad Elementary School is seeking a waiver of this requirement from 2010-2011 to the 2011-2012 school year. [See attached: Quality Education Investment Act (QEIA) Class Size Waiver]

   [See attached: Quality Education Investment Act (QEIA) Class Size Waiver]

8. **Demographic Information:**

   Salinas City Elementary School District has a population of 8,325 K-6 students. Natividad Elementary has a total K-6 population of 686 students. Based on the Consolidated Application 2010-2011: Hispanic or Latino = 641, American Indian or Alaskan Native = 1, Asian = 36, Black or African American = 6, White = 12, Multiracial = 5. 91% of the students qualify for free or reduced lunch. 60.5% of the students are English Learners. The school is located in the Northeast side of Salinas.

   Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  
   No ☒ Yes ☐

   Has there been a Categorical Program Monitoring (CPM) finding on this issue?  
   No ☒ Yes ☐
CALIFORNIA DEPARTMENT OF EDUCATION  
GENERAL WAIVER REQUEST  
GW-1 (10-2-09)  

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title: JUVENTAL LUZA, Ph.D. Assistant Superintendent Educational Services</th>
<th>Date: December 12, 2011</th>
</tr>
</thead>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

<table>
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<tr>
<th>Staff Name (type or print):</th>
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<td>Unit Manager (type or print):</td>
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<td>Date:</td>
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<tr>
<td>Division Director (type or print):</td>
<td>Division Director Signature:</td>
<td>Date:</td>
</tr>
<tr>
<td>Deputy (type or print):</td>
<td>Deputy Signature:</td>
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Salinas City Elementary School District and Natividad Elementary School have encountered various challenges in meeting the Teacher Experience Index. In 2005-2006, the District had a large number of experienced elementary school staff resulting in a calculated TEI of 8.2. Of the 486 QEIA Schools, only 19 have an average TEI equal to or higher than Natividad Elementary.

<table>
<thead>
<tr>
<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td>Los Padres calculated TEI</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Natividad calculated TEI</td>
<td>7.0</td>
<td>6.8</td>
<td>7.0</td>
<td>7.3</td>
<td>7.8</td>
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<tr>
<td>Sherwood calculated TEI</td>
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<td>6.9</td>
<td>7.4</td>
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<td>8.3</td>
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<tr>
<td>District (TEI) Target</td>
<td>8.2</td>
<td>8.2</td>
<td>8.2</td>
<td>8.2</td>
<td>8.2</td>
</tr>
<tr>
<td>State QEIA School's TEI</td>
<td>6.7</td>
<td>6.7</td>
<td>6.7</td>
<td>6.7</td>
<td>6.7</td>
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<tr>
<td>2010-2011 calculated TEI for 7 PI similar schools</td>
<td></td>
<td></td>
<td></td>
<td>7.5</td>
<td></td>
</tr>
<tr>
<td>2010-2011 calculated TEI for 5 PI similar schools PI = (5 + Years)</td>
<td></td>
<td></td>
<td></td>
<td>7.1</td>
<td></td>
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<tr>
<td>2010-2011 calculated TEI for 6 PI similar schools LEP 55% or Higher</td>
<td></td>
<td></td>
<td></td>
<td>7.3</td>
<td></td>
</tr>
</tbody>
</table>

The table above shows TEI for Natividad Elementary School.
- Natividad’s TEI is at 7.3 indicating that new teachers are staying.
- SCESD calculated the TEI for the seven similar schools that are in Program Improvement in the district. The TEI is 7.5
- SCESD calculated the TEI for five similar schools that have been in Program Improvement for more than five years. The TEI is 7.1.
- SCESD calculated the TEI for six similar schools that have 55% or more LEP students. The TEI is 7.3.

Various factors have impacted the school’s ability to meet the TEI target of 8.2 years:
- Since 2005-2006 the District and Natividad Elementary School have experienced a number of retirements and change in status that impacts our growth in TEI experience value.
- The District has provided retirement incentives (Golden Handshake) to encourage experienced teachers to retire.
- In fully implementing the Class Size Reduction (CSR) Requirement, the school has recruited new teachers, some of which have less experience, but who are highly motivated to inspire children to learn as seen by API growth. Hiring new teachers has a negative impact on the Teacher Experience Index. In taking the necessary steps to try to meet the CSR requirement, Natividad has created difficulties in meeting the TEI requirement.
The teacher transfer articles of our collective bargaining agreement limit teacher assignment. These articles make transferring teachers to Natividad Elementary School to meet the TEI target difficult.

Natividad Elementary is located in Northeast Salinas and has a higher crime rate area than other areas of Salinas where there is a more stable teacher population. While some teachers stay, others transfer to other schools within the district.

The combination of new hires at Natividad Elementary School, adhering to contractual language in transferring experienced teachers, experienced teachers becoming resource teachers as well as retirements, has made it a challenge to meet the TEI requirement.

Natividad Elementary has substantially met the following requirements at the previous benchmark years:

- Met the class size reduction requirements for full implementation.
- Teachers that are highly qualified as defined by federal requirements teach all classes. (100%)
- Forty hours of professional development provided to teachers. (100%)
- Professional development provided to paraprofessionals.
- Met all the requirements for the Williams settlement.
- Exceeded the API growth targets for the school averaged over the past three years.

<table>
<thead>
<tr>
<th>Year</th>
<th>Growth Target</th>
<th>Growth</th>
<th>Growth API</th>
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<tr>
<td>2007-2008</td>
<td>8</td>
<td>56</td>
<td>706</td>
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<td>2008-2009</td>
<td>5</td>
<td>5</td>
<td>710</td>
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<tr>
<td>2009-2010</td>
<td>5</td>
<td>23</td>
<td>734</td>
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<tr>
<td>2010-2011</td>
<td>5</td>
<td>14</td>
<td>747</td>
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<tr>
<td>3 Year Average</td>
<td>5</td>
<td>13.7</td>
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Natividad Elementary School is asking for a waiver of the Teacher Experience Index requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Natividad Elementary School is seeking a waiver of this requirement from 2010-2011 to the 2011-2012 school year.

Natividad is asking for a TEI of 7.0 for the 2010-2011 school year.

Natividad is asking, for the 2011-2012 school year for the average TEI of the State QEIA Schools of 6.7. or The 2010-2011 calculated TEI for the five similar schools that have been in Program Improvement status for five years or more. TEI 7.1

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 42 point API growth over the last three years, 98 API growth over four years. Natividad Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the TEI requirement for the 2010-2011 and 2011-2012 school years.
Salinas City Elementary School District and Natividad Elementary School have encountered various challenges in meeting the QEIA CSR Target.

Class Size Reduction Information for Natividad Elementary School

<table>
<thead>
<tr>
<th>Grade</th>
<th>2005-06 QEIA CSR Target</th>
<th>2006-07 Base Size Class Average</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
<th>2010-11 Four PI Non QEIA Schools Averages</th>
<th>Projected 2011-12</th>
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<tbody>
<tr>
<td>Kinder</td>
<td>20.4 18 20.5 18.5 20.3 19.1 24.7 22.1</td>
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<tr>
<td>Grade 1</td>
<td>20.4 19.8 18.5 19.5 18 21.4 24 23.6</td>
<td></td>
<td></td>
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<tr>
<td>Grade 2</td>
<td>20.4 18.2 19.5 20 20.2 19.1 24.3 19.2</td>
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</tr>
<tr>
<td>Grade 3</td>
<td>20.4 17.6 19.2 18.2 20.4 19.9 25.9 21.9</td>
<td></td>
<td></td>
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<td>Grade 4</td>
<td>25 30.3 20.5 22.5 21.5 21.1 30.4 25.7</td>
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<tr>
<td>Grade 5</td>
<td>25 30.3 23.6 23 20.1 21.4 30.2 22.3</td>
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<tr>
<td>Grade 6</td>
<td>21 26 22.4 22.6 29.5 21.1 28.7 30.6</td>
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</table>

**Desired Outcome**

For the 2010-2011 School Year Salinas City Elementary School District and Natividad Elementary School are requesting modification of CSR targets for grades K, 1st, and 6th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2010 through June 30, 2011.

- CSR target modification requested for 3 Kindergarten classes: one class at 21 students and two classes at 22 students per classroom.
- CSR target modification requested for First Grade classes: 22 students per classroom.
- CSR target modification requested for Fourth to Sixth Grade classes: Establish an average of 25 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2010-2011 school year.

For the 2011-2012 School Year Salinas City Elementary School District and Natividad Elementary School are requesting CSR targets for grades K-6th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2011 through June 30, 2012.

- CSR target modification requested for Natividad Elementary School to an average class size at the school level to 23.0 students per classroom in core classes in Kindergarten, grades one, two and three.
- CSR target modification requested for Fourth to Sixth Grade classes: Establish an average of 25 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2011-2012 school year.
- If possible for these averages to be established for the remainder of the QEIA Grant years.

**Rationale: Various factors have impacted the school’s ability to meet the CSR targets**

The result of the CSR limits established through QEIA, the school and district instructional decisions, budget constraints, including EC Section 52124.3, the new schedule of reduced funding percentages for classes exceeding 20.44 pupils are some of the challenges that Salinas City Elementary School District and Natividad Elementary School have encountered in meeting the QEIA CSR Target.

In addition, the school is composed predominantly of English learners, low income and migrant families. Enrollment varies throughout the year due to the nature of family dynamics. Some students start after school begins and move away before school ends. Natividad Elementary has a high mobility rate. Less
than 30% of students who start Kindergarten continue to be enrolled at Natividad by the end of the sixth grade.

Furthermore, Natividad was already attempting to reduce class size in sixth grade. The QEIA CSR Target was established at 21 and makes it more difficult to achieve than a 25 student average.

Because of Natividad Elementary School's low academic performance, the School Site Council and District made a decision to provide instruction in single grade level configurations because it maximizes grade level instructional time. Instruction at Natividad does not include combination classes. QEIA funding is assisting Natividad Elementary School in its efforts to have a low student teacher ratio. (See Table above)

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 42 point API growth over the last three years, 98 API growth over four years. Natividad Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the Class Size Reduction requirement for the 2010-2011 and 2011-2012 school years. Without QEIA's funding the school would not be able to continue to implement these programs that have had a very positive effect on student learning.

Natividad Elementary has substantially met the following requirements at the previous benchmark years:
- Met the class size reduction requirements for full implementation.
- Teachers that are highly qualified as defined by federal requirements teach all classes. (100%)
- Forty hours of professional development provided to teachers. (100%)
- Professional development provided to paraprofessionals.
- Met all the requirements for the Williams settlement.
- Exceeded the API growth targets for the school averaged over the past three years.

**Additional Information for 2010-2011 Four PI Non QEIA Schools Averages**
- Loma vista School had 4 combination classes in 2010-2011: K-1, 1-2, 4-5 & 5-6.
- Kammann School had 2 combination classes in 2010-2011: 4-5 & 5-6.
- Roosevelt School had 2 combination classes in 2010-2011: 2-3 & 5-6. Roosevelt also paid for one extra teacher to reduce class size.
- Natividad hired seven additional elementary school teachers for the 2010-2011 school year.
- Natividad hired four additional elementary school teachers for the 2011-2012 school year and is planning on hiring additional teacher/s in January to help meet class size requirements.
- Non-QEIA schools have one to four combination classes.
- QEIA schools have no combination classes.

Natividad Elementary School is asking for a waiver of the CSR in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school.
Waiver Number: 90-12-2011

Period of Request: July 1, 2010, to June 30, 2012

Period of Request: July 1, 2010, to June 29, 2012

Sherwood Elementary School

CDS Code: 27 66142 6026611

Salinas City Elementary School District

Local Educational Agency Request:

Salinas City Elementary School District (ESD) is located in Monterey County and has a student population of approximately 8,325 students. Sherwood Elementary School (ES) serves 790 students in kindergarten and grades one through six. Salinas City ESD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average Salinas City ESD TEI is 8.2. Salinas City ESD’s average TEI for 2010–11 for this type of school is 7.5. Salinas City ESD is concurrently requesting a QEIA Class Size Reduction (CSR) waiver for Sherwood ES.

Salinas City ESD states that it has experienced a number of retirements that impact the TEI calculation. The district states that in fully implementing the CSR requirements, the school has recruited new teachers, some of which have less experience, but who are highly motivated to inspire children. The district states that the teacher transfer articles of its collective bargaining agreement limit teacher assignment and make transferring teachers to Sherwood ES difficult.

Salinas City ESD requests a waiver of the QEIA TEI target for Sherwood ES and establishment of an alternative TEI target of 7.4 for the 2010–11 school year and 7.8 for the 2011–12 school year.

Additional Local Educational Agency and School Information for Consideration:

<table>
<thead>
<tr>
<th>School Locale Code</th>
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<tbody>
<tr>
<td>LEA Average Daily Attendance (ADA)</td>
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<tr>
<td>School ADA</td>
<td>790</td>
</tr>
<tr>
<td>Grade Span</td>
<td>K–6</td>
</tr>
<tr>
<td>Total Number Of Schools With Similar Grade Span</td>
<td>7 Elementary</td>
</tr>
<tr>
<td>2005–06 TEI</td>
<td>8.2</td>
</tr>
<tr>
<td>2010–11 QEIA School TEI</td>
<td>7.4</td>
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<tr>
<td>2011–12 QEIA School TEI</td>
<td>7.8</td>
</tr>
<tr>
<td>2010–11 Similar Type School TEI</td>
<td>7.5</td>
</tr>
<tr>
<td>Percent Of Similar Type School (2010–11 Data)</td>
<td>98.7</td>
</tr>
<tr>
<td>Made API Growth?</td>
<td>Yes</td>
</tr>
<tr>
<td>Made AYP?</td>
<td>No</td>
</tr>
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*City Midsize: Territory inside an urbanized area and inside a principal city with population less than 250,000 and greater than or equal to 100,000.
California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Salinas City ESD’s request to reduce its TEI target for Sherwood ES for the 2010–11 and 2011–12 school year.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Sherwood ES; (2) For 2010–11, the alternate TEI index of 7.4 shall be established at Sherwood ES; (3) For 2011–12, the alternate TEI index of 7.8 shall be established at Sherwood ES; (4) For 2012–13 and subsequent years, Sherwood ES must meet or exceed the TEI of 8.2; and (5) Within 30 days of approval of this waiver, Salinas City ESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the TEI requirement.


Supported by Salinas Elementary Teacher Council, November 9, 2011 and California School Employees Association, Chapter 149, December 6, 2011.

Local Board Approval: December 12, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

First Time Waiver: X
Renewal Waiver: ___

http://www.cde.ca.gov/re/lr/wr/

Local educational agency:
Salinas City Elementary School District for Sherwood Elementary School 6026611

Contact name and Title:
Dr. Donna Alonzo Vaughan, Superintendent Terri Dye, Principal Ernesto G. González, Jr. Coordinator Program Improvement & C.P.

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

CD CODE
2 7 6 6 1 4 2

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<th>Local board approval date: (Required)</th>
<th>Date of public hearing: (Required)</th>
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<tr>
<td>From: July 1, 2010 To: June 30, 2012</td>
<td>December 12, 2011</td>
<td>December 12, 2011</td>
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<th>Phone (and extension, if necessary):</th>
<th>Fax Number:</th>
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<tbody>
<tr>
<td>840 South Main Street Salinas California 93901</td>
<td>831-784-2235</td>
<td>831-753-5610</td>
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<tbody>
<tr>
<td>Quality Education Investment Act (QEIA)</td>
<td>Teacher Experience Index</td>
</tr>
<tr>
<td>Quality Education Investment Act (QEIA)</td>
<td>Class Size Waiver</td>
</tr>
</tbody>
</table>

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):
   52055.740 (a) (4) Circle One: EC or CCR
   52055.740 section (a) (1) (A); section (a) (1) (B) (i) & (ii) Circle One: EC or CCR

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? No X Yes If yes, please complete required information below:
   Bargaining unit(s) consulted on date(s):
   November 9, 2011 December 6, 2011; December 9, 2011
   Name of bargaining unit and representative(s) consulted:
   Salinas Elementary Teacher Council of CTA California School Employee Association, Chapter 149
   Carol Rodrigues, President Joe Sanchez, President Rosie Sanchez, Chapter Public Relations Officer
   The position of SETC of CTA: Neutral X Support Oppose (Please specify why)
   The position of CSEA, Chapter 149: Neutral X Support Oppose (Please specify why)
   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.
   How was the required public hearing advertised?
   Notice in a newspaper X Notice posted at each school X Other: (Please specify) District Webpage

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Sherwood School Site Council
   Date the committee/council reviewed the waiver request: October 28, 2011
   Were there any objection(s)? No X Yes (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

**EC 52055.740** (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

- Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.

**EC 52055.730** (d) On or before June 30, 2007, the Superintendent, in consultation with interested parties, shall develop a uniform process that can be used to calculate average experience for purposes of reporting, analyzing, or evaluating the distribution of classroom teaching experience in grades, school sites, or subjects across the district. The uniform process shall include an index that uses the 2005-06 California Basic Educational Data System (CBEDS) Professional Assignment Information Form (PAIF), including any necessary corrections, as the base-reporting year to evaluate annual improvements of the funded schools toward balancing the index of teaching experience. The index shall be approved by the Superintendent. The uniform process shall designate teaching experience beyond 10 years as 10 years.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

By 2010-2011, QEIA schools must ensure that their average level of teaching experience meets or exceeds the average level of teaching experience among all teachers at the same type of school in the district. The average level of teaching experience that QEIA schools must meet is based on the teaching experience levels reported by the district in 2005-2006. District average experience levels or “Teacher Experience Index Targets” were calculated and were established at 8.2. The State QEIA Schools TEI is 6.7. The district did three different calculations using different criteria for 2010-2011 similar schools. The three TEI results are 7.5, 7.1 and 7.3.

Sherwood Elementary School is asking for a waiver of this requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Sherwood Elementary School is seeking a waiver of this requirement from 2010-2011 to the 2011-2012 school year. [See attached: Teacher Experience Index]

[See attached: Quality Education Investment Act (QEIA) Class Size Waiver]

8. Demographic Information:

Salinas City Elementary School District has a population of 8,325 K-6 students. Sherwood Elementary has a total K-6 population of 790 students. Based on the Consolidated Application 2010-2011: Hispanic or Latino = 789, American Indian or Alaskan Native = 0, Asian = 1, Black or African American = 2, Native Hawaiian or PI = 1, White = 6, Multiracial = 1. 94.5% of the students qualify for free or reduced lunch. 76.5 % of the students are English Learners. The school is located in the East side of Salinas.

<table>
<thead>
<tr>
<th>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</th>
<th>No ☒ Yes ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</td>
<td>No ☒ Yes ☐</td>
</tr>
</tbody>
</table>

(If yes, please attach explanation or copy of audit finding)
**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>JUVENTAL LUZA, Ph.D. Assistant Superintendent Educational Services</td>
<td>December 12, 2011</td>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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<thead>
<tr>
<th>Staff Name (type or print):</th>
<th>Staff Signature:</th>
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</table>
Salinas City Elementary School District and Sherwood Elementary School have encountered various challenges in meeting the Teacher Experience Index. In 2005-2006, the District had a large number of experienced elementary school staff resulting in a calculated TEI of 8.2. Of the 486 QEIA Schools, only 19 have an average TEI equal to or higher than Sherwood Elementary.

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<tbody>
<tr>
<td>Los Padres calculated TEI</td>
<td>4.6</td>
<td>5.9</td>
<td>6.5</td>
<td>7.2</td>
<td>7.8</td>
</tr>
<tr>
<td>Natividad calculated TEI</td>
<td>7.0</td>
<td>6.8</td>
<td>7.0</td>
<td>7.3</td>
<td>7.8</td>
</tr>
<tr>
<td>Sherwood calculated TEI</td>
<td>6.2</td>
<td>6.9</td>
<td>7.4</td>
<td>7.8</td>
<td>8.3</td>
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<tr>
<td>District (TEI) Target (2005-06)</td>
<td>8.2</td>
<td>8.2</td>
<td>8.2</td>
<td>8.2</td>
<td>8.2</td>
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<tr>
<td>State QEIA School’s TEI</td>
<td>6.7</td>
<td>6.7</td>
<td>6.7</td>
<td>6.7</td>
<td>6.7</td>
</tr>
<tr>
<td>2010-2011 calculated TEI for 7 PI similar schools</td>
<td>7.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2010-2011 calculated TEI for 5 PI similar schools PI = (5 + Years)</td>
<td></td>
<td></td>
<td>7.1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2010-2011 calculated TEI for 6 PI similar schools LEP 55% or Higher</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7.3</td>
</tr>
</tbody>
</table>

The table above shows growth in TEI for Sherwood Elementary School.

- Sherwood’s TEI is at 7.8 indicating that new teachers are staying.
- SCESD calculated the TEI for the seven similar schools that are in Program Improvement in the district. The TEI is 7.5
- SCESD calculated the TEI for five similar schools that have been in Program Improvement for more than five years. The TEI is 7.1.
- SCESD calculated the TEI for six similar schools that have 55% or more LEP students. The TEI is 7.3.

Various factors have impacted the school’s ability to meet the TEI target of 8.2 years:

- Since 2005-2006 the District and Sherwood Elementary School have experienced a number of retirements and change in status that impacts our growth in TEI experience value.
- The District has provided retirement incentives (Golden Handshake) to encourage experienced teachers to retire.
- In attempting to fully implement the Class Size Reduction (CSR) Requirement, the school has recruited new teachers, some of which have less experience, but who are highly motivated to inspire children to learn as seen by API growth. Hiring new teachers has a negative impact on the Teacher Experience Index. In taking the necessary steps to try to meet the CSR requirement, Sherwood has created difficulties in meeting the TEI requirement.
• The teacher transfer articles of our collective bargaining agreement limit teacher assignment. These articles make transferring teachers to Sherwood Elementary School to meet the TEI target difficult.
• Sherwood Elementary is located in East Salinas and has a higher crime rate area than other areas of Salinas where there is a more stable teacher population. While some teachers stay, others transfer to other schools within the district.

The combination of new hires at Sherwood Elementary School, adhering to contractual language in transferring experienced teachers, experienced teachers becoming resource teachers as well as retirements, has made it a challenge to meet the TEI requirement.

Sherwood Elementary has substantially met the following requirements at the previous benchmark years:
• Met the class size reduction requirements for full implementation.
• Teachers that are highly qualified as defined by federal requirements teach all classes. (100%)  
• Forty hours of professional development provided to teachers. (100%)  
• Professional development provided to paraprofessionals.
• Met all the requirements for the Williams settlement.
• Exceeded the API growth targets for the school averaged over the past three years.

<table>
<thead>
<tr>
<th>Year</th>
<th>Growth Target</th>
<th>Growth</th>
<th>Growth API</th>
</tr>
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<tr>
<td>2007-2008</td>
<td>10</td>
<td>14</td>
<td>605</td>
</tr>
<tr>
<td>2008-2009</td>
<td>10</td>
<td>27</td>
<td>625</td>
</tr>
<tr>
<td>2009-2010</td>
<td>9</td>
<td>11</td>
<td>636</td>
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<tr>
<td>2010-2011</td>
<td>8</td>
<td>14</td>
<td>650</td>
</tr>
<tr>
<td>3 Year Average</td>
<td>9</td>
<td>17.3</td>
<td></td>
</tr>
</tbody>
</table>

Sherwood Elementary School is asking for a waiver of the Teacher Experience Index requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Sherwood Elementary School is seeking a waiver of this requirement from 2010-2011 to the 2011-2012 school year.

Sherwood is asking for a TEI of 7.4 for the 2010-2011 school year.

Sherwood is asking, for the 2011-2012 school year for the average TEI of the State QEIA schools of 6.7.

or

The 2010-2011 calculated TEI for the five similar schools that have been in Program Improvement status for five years or more. **TEI 7.1**

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 52 point API growth over the last three years, 66 API growth over four years. Sherwood Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the TEI requirement for the 2010-2011 and 2011-2012 school years.
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
Class Size Average

7. Desired outcome/rationale

Salinas City Elementary School District and Sherwood Elementary School have encountered various challenges in meeting the QEIA CSR Target.

Class Size Reduction Information for Sherwood Elementary School

<table>
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<tr>
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<tr>
<td>Kinder</td>
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<td>21.4</td>
<td>18</td>
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<td>Grade 1</td>
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<td>Grade 2</td>
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<td>17.6</td>
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<td>22.1</td>
<td>24.3</td>
<td>19.5</td>
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<tr>
<td>Grade 3</td>
<td>20.4</td>
<td>21.7</td>
<td>16.7</td>
<td>19.7</td>
<td>18.4</td>
<td>23.5</td>
<td>25.9</td>
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<tr>
<td>Grade 4</td>
<td>23.8</td>
<td>28.8</td>
<td>21.9</td>
<td>22.7</td>
<td>19</td>
<td>21.1</td>
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<tr>
<td>Grade 5</td>
<td>18.8</td>
<td>23.8</td>
<td>23.4</td>
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<td>22.7</td>
<td>30.2</td>
<td>20.3</td>
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<tr>
<td>Grade 6</td>
<td>19.8</td>
<td>24.8</td>
<td>21.4</td>
<td>21.3</td>
<td>25.3</td>
<td>20.7</td>
<td>28.7</td>
<td>22.3</td>
</tr>
</tbody>
</table>

Desired Outcome
For the 2010-2011 School Year Salinas City Elementary School District and Sherwood Elementary School are requesting CSR targets for grades K, 1st, 2nd, 3rd, 5th and 6th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2010 through June 30, 2011.

• CSR target modification requested for 6 Kindergarten classes: one class at 21 students, five classes at 22 students per classroom.
• CSR target modification requested for First Grade classes: one class at 21.17 students, one class at 20.46 students and one class at 20.79 students per classroom.
• CSR target modification requested for Second Grade classes: three classes at 22 students and three classes at 23 students per classroom.
• CSR target modification requested for Third Grade classes: 24 students per classroom.
• CSR target modification requested for Fourth to Sixth Grade classes: Establish an average of 25 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2010-2011 school year.

For the 2011-2012 School Year Salinas City Elementary School District and Sherwood Elementary School are requesting CSR targets for grades K-6th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2011 through June 30, 2012.

• CSR target modification requested for Sherwood Elementary School to an average class size at the school level to 23.0 students per classroom in core classes in Kindergarten, grades one, two and three.
• CSR target modification requested for Fourth to Sixth Grade classes: Establish an average of 25 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2011-2012 school year.
• If possible for these averages to be established for the remainder of the QEIA Grant years.

Rationale: Various factors have impacted the school’s ability to meet the CSR targets
The result of the CSR limits established through QEIA, the school and district instructional decisions, budget constraints, including EC Section 52124.3, the new schedule of reduced funding percentages for classes exceeding 20.44 pupils are some of the challenges that Salinas City Elementary School District and Sherwood Elementary School have encountered in meeting the QEIA CSR Target.
In addition, the school is composed predominantly of English learners, low income and migrant families. Enrollment varies throughout the year due to the nature of family dynamics. Some students start after school begins and move away before school ends. Sherwood Elementary has a high mobility rate. Less than 25% of students who start Kindergarten continue to be enrolled at Sherwood by the end of the sixth grade.

Furthermore, Sherwood was already attempting to reduce class size in fourth, fifth and sixth grade. The QEIA CSR Average Target was established at 23.8, 18.8 and 19.8 and makes it difficult to achieve with dwindling budgets.

Because of Sherwood Elementary School’s low academic performance, the School Site Council and District made a decision to provide instruction in single grade level configurations because it maximizes grade level instructional time. Instruction at Sherwood does not include combination classes. QEIA funding is assisting Sherwood Elementary School in its efforts to have a low student teacher ratio. (See Table above)

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 52 point API growth over the last three years, 66 API growth over four years. Sherwood Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the Class Size Reduction requirement for the 2010-2011 and 2011-2012 school years. Without QEIA’s funding the school would not be able to continue to implement these programs that have had a very positive effect on student learning.

Sherwood Elementary has substantially met the following requirements at the previous benchmark years:

- Met the class size reduction requirements for full implementation.
- Teachers that are highly qualified as defined by federal requirements teach all classes. (100%)
- Forty hours of professional development provided to teachers. (100%)
- Professional development provided to paraprofessionals.
- Met all the requirements for the Williams settlement.
- Exceeded the API growth targets for the school averaged over the past three years.

**Additional Information for 2010-2011 Four PI Non QEIA Schools Averages**

- Loma vista School had 4 combination classes in 2010-2011: K-1, 1-2, 4-5 & 5-6.
- Kammann School had 2 combination classes in 2010-2011: 4-5 & 5-6.
- Roosevelt School had 2 combination classes in 2010-2011: 2-3 & 5-6. Roosevelt also paid for one extra teacher to reduce class size.
- Sherwood hired six additional elementary school teachers for the 2010-2011 school year.
- Sherwood hired seven additional elementary school teachers for the 2011-2012 school year to help meet class size requirements.
- Non-QEIA schools have one to four combination classes.
- QEIA schools have no combination classes.

Sherwood Elementary School is asking for a waiver of the CSR in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school.
Waiver Number: 91-12-2011  Period of Request: July 1, 2010, to June 30, 2012  Period of Recommended: July 1, 2010, to June 29, 2012
Los Padres Elementary School  CDS Code: 27 66142 6026561
Salinas City Elementary School District

Local Educational Agency Request:

Salinas City Elementary School District (ESD) is located in Monterey County and has a student population of approximately 8,325 students. Los Padres Elementary School (ES) serves 761 students in kindergarten and grades one through six. Salinas City ESD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average Salinas City ESD TEI is 8.2. Salinas City ESD’s average TEI for 2010–11 for this type of school is 7.5. Salinas City ESD is concurrently requesting a QEIA Class Size Reduction (CSR) waiver for Los Padres ES.

Salinas City ESD states that it has experienced a number of retirements that impact the TEI calculation. The district states that in fully implementing the CSR requirements, the school has recruited new teachers, some of which have less experience, but who are highly motivated to inspire children. The district states that the teacher transfer articles of its collective bargaining agreement limit teacher assignment and make transferring teachers to Los Padres ES difficult.

Salinas City ESD requests a waiver of the QEIA TEI target for Los Padres ES and establishment of an alternative TEI target of 6.5 for the 2010–11 school year and 7.2 for the 2011–12 school year.

Additional Local Educational Agency and School Information for Consideration:

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<tr>
<th>School Locale Code</th>
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<tr>
<td>LEA Average Daily Attendance (ADA)</td>
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<td>School ADA</td>
<td>761</td>
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<tr>
<td>Grade Span</td>
<td>K–6</td>
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<tr>
<td>Total Number Of Schools With Similar Grade Span</td>
<td>7 Elementary</td>
</tr>
<tr>
<td>2005–06 TEI</td>
<td>8.2</td>
</tr>
<tr>
<td>2010–11 QEIA School TEI</td>
<td>6.5</td>
</tr>
<tr>
<td>2011–12 QEIA School TEI</td>
<td>7.2</td>
</tr>
<tr>
<td>2010–11 Similar Type School TEI</td>
<td>7.5</td>
</tr>
<tr>
<td>Percent Of Similar Type School (2010–11 Data)</td>
<td>86.7</td>
</tr>
<tr>
<td>Made API Growth?</td>
<td>Yes</td>
</tr>
<tr>
<td>Made AYP?</td>
<td>No</td>
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*City Midsize: Territory inside an urbanized area and inside a principal city with population less than 250,000 and greater than or equal to 100,000.

California Department of Education Recommendation and Conditions:
The California Department of Education (CDE) supports Salinas City ESD’s request to reduce its TEI target for Los Padres ES for the 2010–11 and 2011–12 school year.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Los Padres ES; (2) For 2010–11, the alternate TEI index of 6.5 shall be established at Los Padres ES; (3) For 2011–12, the alternate TEI index of 7.2 shall be established at Los Padres ES; (4) Since the LEA has proposed no alternative TEI, for 2012–13 and subsequent years, Los Padres ES must meet or exceed the TEI of 8.2; and (5) Within 30 days of approval of this waiver, Salinas City ESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the TEI requirement.

Reviewed by Los Padres Elementary Schoolsite Council on October 7, 2011.

Supported by Salinas Elementary Teacher Council, November 9, 2011 and California School Employees Association, Chapter 149, December 6, 2011.

**Local Board Approval:** December 12, 2011.
**CALIFORNIA DEPARTMENT OF EDUCATION**

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_  
Renewal Waiver: ____

Send Original plus one copy to: Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

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**CD CODE**

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**Local educational agency:**
Salinas City Elementary School District for Los Padres Elementary School  6026561

**Contact name and Title:**
Dr. Donna Alonzo Vaughan, Superintendent  
Hilda Huerta, Principal  
Ernesto G. González, Jr. Coordinator Program Improvement & C.P.

**Contact person’s e-mail address:**
egonzalezsr@salinascity.k12.ca.us

**Address:**
840 South Main Street  Salinas  California  93901
1130 John St.  Salinas  California  93905

**Phone (and extension, if necessary):**  831-784-2235
**Fax Number:**  831-753-5610

**Period of request:**  From: July 1, 2010  To: June 30, 2012
**Local board approval date:**  December 12, 2011
**Date of public hearing:**  December 12, 2011

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**LEGAL CRITERIA**

1. Under the general waiver authority of **Education Code** 33050-33053, the particular **Education Code** or **California Code of Regulations** section(s) to be waived (number):
52055.740 (a) (4)  Circle One: EC or CCR  
52055.740 section (a) (1) (A); section (a) (1) (B) (i) & (ii)  Circle One: EC or CCR

**Topic of the waiver:**
- Quality Education Investment Act (QEIA)  
- Teacher Experience Index  
- Quality Education Investment Act (QEIA)  
- Class Size Waiver

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval ______

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  _X_ Yes  If yes, please complete required information below:

**Bargaining unit(s) consulted on date(s):**
November 9, 2011  December 6, 2011; December 9, 2011

**Name of bargaining unit and representative(s) consulted:**
Salinas Elementary Teacher Council of CTA  California School Employee Association, Chapter 149  
Carol Rodrigues, President  Joe Sanchez, President  Rosie Sanchez, Chapter Public Relations Officer

**The position of SETC of CTA:**  __ Neutral  _X_ Support  __ Oppose (Please specify why)

**The position of CSEA, Chapter 149:**  __ Neutral  _X_ Support  __ Oppose (Please specify why)

**Comments (if appropriate):**

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

_ _ Notice in a newspaper  _X_ Notice posted at each school  _X_ Other: (Please specify) District Webpage

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

**Los Padres School Site Council**

**Date the committee/council reviewed the waiver request:**  
October 7, 2011

Were there any objection(s)?  No  _X_ Yes  (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

EC 52055.740  (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.

EC 52055.730  (d) On or before June 30, 2007, the Superintendent, in consultation with interested parties, shall develop a uniform process that can be used to calculate average experience for purposes of reporting, analyzing, or evaluating the distribution of classroom teaching experience in grades, school sites, or subjects across the district. The uniform process shall include an index that uses the 2005-06 California Basic Educational Data System (CBEDS) Professional Assignment Information Form (PAIF), including any necessary corrections, as the base-reporting year to evaluate annual improvements of the funded schools toward balancing the index of teaching experience. The index shall be approved by the Superintendent. The uniform process shall designate teaching experience beyond 10 years as 10 years.

52055.740.  (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) Meet all of the following class size requirements:

(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).

(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

(i) At least five pupils fewer per classroom than was the average in 2006-07.

(ii) An average of 25 pupils per classroom.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

By 2010-2011, QEIA schools must ensure that their average level of teaching experience meets or exceeds the average level of teaching experience among all teachers at the same type of school in the district. The average level of teaching experience that QEIA schools must meet is based on the teaching experience levels reported by the district in 2005-2006. District average experience levels or "Teacher Experience Index Targets" were calculated and were established at 8.2. The State QEIA Schools TEI is 6.7. The district did three different calculations using different criteria for 2010-2011 similar schools. The three TEI results are 7.5, 7.1 and 7.3.

Los Padres Elementary School is asking for a waiver of this requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Los Padres Elementary School is seeking a waiver of this requirement from 2010-2011 to the 2011-2012 school year. [See attached: Teacher Experience Index]

[See attached: Quality Education Investment Act (QEIA) Class Size Waiver]

8. Demographic Information:

Salinas City Elementary School District has a population of 8,325 K-6 students. Los Padres Elementary has a total K-6 population of 761 students. Based on the Consolidated Application 2010-2011: Hispanic or Latino = 745, American Indian or Alaskan Native = 2, Asian = 3, Black or African American = 4, White = 5, Multiracial = 1. 88.3% of the students qualify for free or reduced lunch. 68.9% of the students are English Learners. The school is located in the East side of Salinas.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**  No ☒  Yes ☐

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒  Yes ☐

(If yes, please attach explanation or copy of CPM finding)
**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

| Signature of Superintendent or Designee: | Title: JUVENAL LUZA, Ph.D. Assistant Superintendent Educational Services | Date: December 12, 2011 |

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Salinas City Elementary School District and Los Padres Elementary School have encountered various challenges in meeting the Teacher Experience Index. In 2005-2006, the District had a large number of experienced elementary school staff resulting in a calculated TEI of 8.2. Of the 486 QEIA Schools, only 19 have an average TEI equal to or higher than Los Padres Elementary.

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<tr>
<td>calculated TEI</td>
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<tr>
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<td>6.8</td>
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<td>Target (2005-06)</td>
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<td><strong>State QEIA School’s</strong></td>
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<td><strong>2010-2011</strong></td>
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<tr>
<td>calculated TEI for 7 PI similar schools</td>
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<td>7.5</td>
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<tr>
<td><strong>2010-2011</strong></td>
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<td></td>
<td></td>
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<tr>
<td>calculated TEI for 5 PI similar schools PI = (5 + Years)</td>
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<td>7.1</td>
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<td></td>
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<tr>
<td><strong>2010-2011</strong></td>
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<td></td>
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<td></td>
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</tr>
<tr>
<td>calculated TEI for 6 PI similar schools LEP 55% or Higher</td>
<td></td>
<td></td>
<td>7.3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The table above shows growth in TEI for Los Padres Elementary School.
- Los Padres’ TEI is at 7.2 indicating that new teachers are staying.
- SCESD calculated the TEI for the seven similar schools that are in Program Improvement in the district. The TEI is 7.5
- SCESD calculated the TEI for five similar schools that have been in Program Improvement for more than five years. The TEI is 7.1.
- SCESD calculated the TEI for six similar schools that have 55% or more LEP students. The TEI is 7.3.

Various factors have impacted the school’s ability to meet the TEI target of 8.2 years:
- Since 2005-2006 the District and Los Padres Elementary School have experienced a number of retirements and change in status that impacts our growth in TEI experience value.
- The District has provided retirement incentives (Golden Handshake) to encourage experienced teachers to retire.
- In fully implementing the Class Size Reduction (CSR) Requirement, the school has recruited new teachers, some of which have less experience, but who are highly motivated to inspire children to learn as seen by API growth. Hiring new teachers has a negative impact on the Teacher Experience Index. In taking the necessary steps to try to meet the CSR requirement, Los Padres has created difficulties in meeting the TEI requirement.
- The teacher transfer articles of our collective bargaining agreement limit teacher assignment. These articles make transferring teachers to Los Padres Elementary School to meet the TEI target difficult.
- Los Padres Elementary is located in East Salinas and has a higher crime rate area than other areas of Salinas where there is a more stable teacher population. While some teachers stay, others transfer to other schools within the district.

The combination of new hires at Los Padres Elementary School, adhering to contractual language in transferring experienced teachers, experienced teachers becoming resource teachers as well as retirements, has made it a challenge to meet the TEI requirement.

Los Padres Elementary has substantially met the following requirements at the previous benchmark years:
- Met the class size reduction requirements for full implementation.
- Teachers that are highly qualified as defined by federal requirements teach all classes. (100%)
- Forty hours of professional development provided to teachers. (100%)
- Professional development provided to paraprofessionals.
- Met all the requirements for the Williams settlement.
- Exceeded the API growth targets for the school averaged over the past three years.

<table>
<thead>
<tr>
<th>Year</th>
<th>Growth Target</th>
<th>Growth</th>
<th>Growth API</th>
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<tr>
<td>2007-2008</td>
<td>9</td>
<td>41</td>
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<td>7</td>
<td>21</td>
<td>685</td>
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<td>2009-2010</td>
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<td>19</td>
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<tr>
<td>2010-2011</td>
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<td>22</td>
<td>724</td>
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<tr>
<td>3 Year Average</td>
<td>5</td>
<td>20.7</td>
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</table>

Los Padres Elementary School is asking for a waiver of the Teacher Experience Index requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Los Padres Elementary School is seeking a waiver of this requirement from 2010-2011 to the 2011-2012 school year.

Los Padres is asking for a TEI of 6.5 for the 2010-2011 school year.

Los Padres is asking, for the 2011-2012 school year for the average TEI of the State QEIA schools of 6.7. or The 2010-2011 calculated TEI for the five similar schools that have been in Program Improvement status for five years or more. TEI 7.1

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 62 point API growth over the last three years, 103 API growth over four years. Los Padres Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the TEI requirement for the 2010-2011 and 2011-2012 school years.
Salinas City Elementary School District and Los Padres Elementary School have encountered various challenges in meeting the QEIA CSR Target.

Class Size Reduction Information for Los Padres Elementary School

<table>
<thead>
<tr>
<th>Grade</th>
<th>2005-06 Base Class Size Average</th>
<th>QEIA CSR Target</th>
<th>2006-07</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
<th>2010-11 Four PI Non QEIA Schools Averages</th>
<th>Projected 2011-12</th>
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<tr>
<td>Kinder</td>
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<td>Grade 4</td>
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<td>Grade 5</td>
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<td>24.3</td>
<td>21.9</td>
<td>23.6</td>
<td>28.7</td>
<td>25.5</td>
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</table>

**Desired Outcome**

For the 2010-2011 School Year Salinas City Elementary School District and Los Padres Elementary School are requesting CSR targets for grades K, 1st, 2nd, 3rd and 6th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2010 through June 30, 2011.

- CSR target modification requested for 6 Kindergarten classes: three classes at 22 students, one class at 22.66, one class at 23.95 students, and one class at 24.65 students per classroom.
- CSR target modification requested for First Grade classes: 23 students per classroom.
- CSR target modification requested for Second Grade classes: two classes at 22 students, one class at 23.25 students per classroom.
- CSR target modification requested for Third Grade classes: one class at 22.3 students per classroom.
- CSR target modification requested for Fourth to Sixth Grade classes: Establish an average of 25 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2010-2011 school year.

For the 2011-2012 School Year Salinas City Elementary School District and Los Padres Elementary School are requesting CSR targets for grades K-6th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2011 through June 30, 2012.

- CSR target modification requested for Los Padres Elementary School to an average class size at the school level to 23.0 students per classroom in core classes in Kindergarten, grades one, two and three.
- CSR target modification requested for Fourth to Sixth Grade classes: Establish an average of 25 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2011-2012 school year.
- If possible for these averages to be established for the remainder of the QEIA Grant years.

**Rationale: Various factors have impacted the school’s ability to meet the CSR targets**

The result of the CSR limits established through QEIA, the school and district instructional decisions, budget constraints, including EC Section 52124.3, the new schedule of reduced funding percentages for classes exceeding 20.44 pupils are some of the challenges that Salinas City Elementary School District and Los Padres Elementary School have encountered in meeting the QEIA CSR Target.

In addition, the school is composed predominantly of English learners, low income and migrant families. Enrollment varies throughout the year due to the nature of family dynamics. Some students start after school begins and move away before school ends. Los Padres Elementary has a high mobility rate. Less than 25% of students who start Kindergarten continue to be enrolled at Los Padres by the end of the sixth grade.

Furthermore, Los Padres was already attempting to reduce class size in sixth grade. The QEIA CSR Average Target was established at 22.7 and makes it more difficult to achieve than a 25 student average.
Because of Los Padres Elementary School’s low academic performance, the School Site Council and District made a decision to provide instruction in single grade level configurations because it maximizes grade level instructional time. Instruction at Los Padres does not include combination classes. QEIA funding is assisting Los Padres Elementary School in its efforts to have a low student teacher ratio. (See Table above)

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 62 point API growth over the last three years, 103 API growth over four years. Los Padres Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the Class Size Reduction requirement for the 2010-2011 and 2011-2012 school years. Without QEIA’s funding the school would not be able to continue to implement these programs that have had a very positive effect on student learning.

Los Padres Elementary has substantially met the following requirements at the previous benchmark years:

- Met the class size reduction requirements for full implementation.
- Teachers that are highly qualified as defined by federal requirements teach all classes. (100%)
- Forty hours of professional development provided to teachers. (100%)
- Professional development provided to paraprofessionals.
- Met all the requirements for the Williams settlement.
- Exceeded the API growth targets for the school averaged over the past three years.

Additional Information for 2010-2011 Four PI Non QEIA Schools Averages

- Loma vista School had 4 combination classes in 2010-2011: K-1, 1-2, 4-5 & 5-6.
- Kammann School had 2 combination classes in 2010-2011: 4-5 & 5-6.
- Roosevelt School had 2 combination classes in 2010-2011: 2-3 & 5-6. Roosevelt also paid for one extra teacher to reduce class size.

- Los Padres hired five additional elementary school teachers for the 2010-2011 school year.
- Los Padres hired five additional elementary school teachers for the 2011-2012 school year and is planning on hiring two additional teachers in January to help meet class size requirements.
- Non-QEIA schools have one to four combination classes.
- QEIA schools have no combination classes.

Los Padres Elementary School is asking for a waiver of the CSR in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school.
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2012 AGENDA

☐ General Waiver

SUBJECT
Request by five local educational agencies to waive portions of California Education Code Section 52055.740(a)(5), regarding the Academic Performance Index under the Quality Education Investment Act.

Waiver Number: Greenfield Union Elementary 92-12-2011
Marysville Joint Unified 15-12-2011
Mountain Empire Unified 38-12-2011
Oxnard 8-12-2011
Oxnard 14-12-2011
Stockton Unified 43-12-2011
Stockton Unified 44-12-2011
Stockton Unified 45-12-2011
Stockton Unified 47-12-2011
Stockton Unified 48-12-2011

Action
Consent

RECOMMENDATION

☐ Approval ☐ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends denial of these waiver requests because their approval would not adequately address the educational needs of pupils within the meaning of California Education Code (EC) Section 33051(a)(1).

See Attachments 1, 3, 5, 7, 9, 11, 13, 15, 17, and 19 for details.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE Waiver Office has previously presented waivers regarding revising the Academic Performance Index (API) under the Quality Education Investment Act (QEIA) to the State Board of Education (SBE).

SUMMARY OF KEY ISSUES

Academic Performance Index

Schools participating in the QEIA Program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements.
Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

Quality Education Investment Act schools are required to exceed their API growth target for the school, averaged over the first three full years of funding, by the 2010–11 school year. Beginning in 2011–12, regular QEIA schools must meet their annual API growth targets, and alternative application schools must exceed their annual API growth targets.

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). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed; (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request; (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees; (4) Pupil or school personnel protections are jeopardized; (5) Guarantees of parental involvement are jeopardized; (6) The request would substantially increase state costs; and (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must meet the API targets based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

**ATTACHMENT(S)**

Attachment 1: Greenfield Union Elementary School District Request 92-12-2011 for a Quality Education Investment Act Academic Performance Index Waiver (2 pages)

Attachment 2: Greenfield Union Elementary School District General Waiver Request 92-12-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 3: Marysville Joint Unified School District Request 15-12-2011 for a Quality Education Investment Act Academic Performance Index Waiver (2 pages)

Attachment 4: Marysville Joint Unified School District General Waiver Request 15-12-2011 (7 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Mountain Empire Unified School District Request 38-12-2011 for a Quality Education Investment Act Academic Performance Index Waiver (2 pages)

Attachment 6: Mountain Empire Unified School District General Waiver Request 38-12-2011 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Oxnard School District Request 8-12-2011 for a Quality Education Investment Act Academic Performance Index Waiver (2 pages)

Attachment 8: Oxnard School District General Waiver Request 8-12-2011 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Oxnard School District Request 14-12-2011 for a Quality Education Investment Act Academic Performance Index Waiver (2 pages)

Attachment 10: Oxnard School District General Waiver Request 14-12-2011 (7 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Stockton Unified School District Request 43-12-2011 for a Quality Education Investment Act Academic Performance Index Waiver (2 pages)

Attachment 12: Stockton Unified School District General Waiver Request 43-12-2011 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: Stockton Unified School District Request 44-12-2011 for a Quality Education Investment Act Academic Performance Index Waiver (2 pages)

Attachment 14: Stockton Unified School District General Waiver Request 44-12-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 15: Stockton Unified School District Request 45-12-2011 for a Quality Education Investment Act Academic Performance Index Waiver (2 pages)

Attachment 16: Stockton Unified School District General Waiver Request 45-12-2011 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 17: Stockton Unified School District Request 47-12-2011 for a Quality Education Investment Act Academic Performance Index Waiver (2 pages)

Attachment 18: Stockton Unified School District General Waiver Request 47-12-2011 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 19: Stockton Unified School District Request 48-12-2011 for a Quality Education Investment Act Academic Performance Index Waiver (2 pages)

Attachment 20: Stockton Unified School District General Waiver Request 48-12-2011 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)
Waiver Number: 92-12-2011  Period of Request: August 17, 2010, to June 22, 2011
Mary Chapa Literacy and Technology Academy  CDS Code: 27 66035 6026116
Greenfield Union Elementary School District

Local Educational Agency Request:

Greenfield Union Elementary School District (UESD) is a rural school district located in Monterey County and has a student population of approximately 2,735 students. Mary Chapa Literacy and Technology Academy (LTA) serves 371 students in kindergarten and grades one through two (K–2). Academic Performance Index (API) data for Mary Chapa LTA shows that the school did not exceed the three-year average growth requirement of the Quality Education Investment Act (QEIA). Mary Chapa LTA’s three-year growth average target is 10.7, but its three-year growth average is only 7.3. Greenfield UESD is concurrently requesting a teacher experience index waiver for Mary Chapa LTA.

Greenfield UESD states that it has consistently met all requirements for the schools in the program. The district states that during the 2010–11 school year it restructured Greenfield Elementary School (ES) as part of the School Improvement Grant (SIG) process. Greenfield ES went from a kindergarten and grades one through five school to a K–2 school and is now called Mary Chapa LTA. The district states that as a new school having only grade two contributing to the new API score, the school was unable to meet its API target. The district believes a waiver for Mary Chapa LTA’s API target is necessary to set a more realistic benchmark by which to measure student progress.

Greenfield UESD requests a waiver of the QEIA API three-year average growth requirement for Mary Chapa LTA for the 2010–11 school year.

Additional Local Educational Agency and School Information for Consideration:

| School Locale Code | 32*
| LEA Average Daily Attendance (ADA) | 2,735
| School ADA | 371
| Grade Span | K–2
| 2008–09 API | 568
| 2009–10 API | 630
| 2010–11 API | 597
| 3 Year API Target Average | 10.7
| 3 Year API Growth Average | 7.3
| Made API Growth? | No
| Made AYP? | No

*Town Distant: Territory inside an urban cluster that is more than 10 miles and less than or equal to 35 miles from an urbanized area.
California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils within the meaning of California *Education Code* Section 33051(a)(1).

Specifically, (1) QEIA funding is expected to result in increased academic achievement over time and Mary Chapa LTA has not demonstrated the required growth; (2) the restructuring for SIG did not require reconfiguring the school in this manner, and the impact on the API could have been foreseen; furthermore, the school received over $743,000 in SIG funds in 2010–11; and (3) QEIA program requirements were known to the district prior to its decision to apply for program participation.

Reviewed by Mary Chapa Literacy and Technology Academy Schoolsite Council on December 12, 2011.

Supported by Greenfield Teachers Association, November 17, 2011.

**Local Board Approval:** December 14, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

92-12-2011

First Time Waiver: _X__
Renewal Waiver: ___

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Circle One: (EC) or (CCR)

   California Education Code Section 52055.740(D) (4), regarding Teacher Experience Index
   California Education Code Section 52055.740 (D)(5), regarding API growth targets

2. If this is a renewal of a previously approved waiver, please list Waiver Number: N/A and date of SBE Approval NA

3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): November 17, 2011
   Name of bargaining unit and representative(s) consulted: Greenfield Union School District Superintendent Trevor McDonald consulted with Greenfield Teachers’ Association President, Alan Homes.
   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (Please specify why)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?
   _X_ Notice in a newspaper  _X_ Notice posted at each school  ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: On December 12, 2011 the School Site Council of Mary Chapa Literacy and Technology Academy reviewed this application and did not object to the waiver.
   Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify)
6. **Education Code** or **California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

- California **Education Code** Section 52055.740(D) (4), regarding Teacher Experience Index
  (4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.

- California **Education Code** Section 52055.740 (D)(5), regarding API growth targets
  (5) Exceed the API growth target for the school averaged over the first three full years of funding.

7. **Desired outcome/rationale.** Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.  **Please see attachment # 1**

8. **Demographic Information:**
The Greenfield Union School District (GUSD) is a small, rural, high poverty district in the Salinas Valley, Monterey County. The district has five schools, two grades K-5 schools, one grades K-2 school, one grades 3-5 school and one grades 6-8 middle school. The district serves approximately 2,735 students. The District is currently in Program Improvement Year Three (Cohort 1) and was required in March 2008 to contract with Monterey County Office of Education (MCOE) as its DAIT provider and to implement Corrective Action 6. In January of 2010 due to lack of progress in increasing student achievement and fully implementing Corrective Action 6, the State Board of Education acted to assign Greenfield Corrective Action 3, appoint a state trustee to Greenfield in addition to Corrective Action 6. The state trustee was identified and began in the district on May 5, 2010. The state trustee was given authority to stay or rescind governing board actions as authorized by the state board for a period of not less than three years. The district has a new DAIT provider New Directions for Academic Advancement which began working with the district in the summer of 2010.

The district originally had four schools, and all were in Program Improvement. As of 2011 one of the schools, Greenfield Elementary, was restructured to better meet the needs of the student population by becoming two separate schools, one a grades K-2 school, Mary Chapa Literacy and Technology Academy, and the other a grades 3-5 school, El Camino Real Science and Technology Academy.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**  
No ☒ Yes ☐  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?**  
No ☒ Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – **I hereby certify that the information provided on this application is correct and complete.**

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<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
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<tr>
<td></td>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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</table>
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The Greenfield Elementary School District has consistently met all requirements for the schools in the program. During the 2010-11 school year the Greenfield Elementary School, as part of the School Improvement Process, was restructured into two separate schools. The district was awarded a SIG grant to do just that. Greenfield Elementary School went from a K-5 school to a K-2 school (Mary Chapa Literacy and Technology Academy) and a 3-5 school (El Camino Real Science and Technology Academy). As a result of the restructuring, Mary Chapa Academy maintained the original CDS code that belonged to Greenfield Elementary School and with that, the requirements associated with the QEIA grant.

Due to Mary Chapa inheriting the original GES school code, it provided many challenges in the transformation from Greenfield Elementary School to the Mary Chapa Academy. We are requesting that a waiver be granted for Mary Chapa Academy in regards to the following two areas: 1) API growth target and 2) Teacher Experience Index

The first area of concern is in regard to the API target. As a new school having only grade 2 (111 students tested) contributing to the new API score for the 2010-11 year, averaging Mary Chapa’s current API score with previous year API scores that included grades 2-5 (409 students tested), caused the school to not meet its API target. A waiver for Mary Chapa’s API target is necessary to set a more realistic benchmark by which to measure student progress. Using the current 2010-11 API score to establish a new target that is based on the established grade 2 baseline score will allow for a more precise measure of student progress.

This past 2010-11 school year (2010-2011) the second area that needs consideration is the Teacher Experience Index requirement. As a rural school district, the Greenfield Union School District has struggled to recruit and maintain experienced teachers and administrators. In addition, we were funded for the School Improvement Grant (SIG) program which gave us the opportunity to recruit a larger number of new highly qualified teachers that consequently had less than 5 years teaching experience. Moreover, Mary Chapa Academy had 3 different Principals last year. The change in administrators, along with the restructuring of the school, compounded the problem of maintaining experienced teachers. Lastly, collective bargaining agreements make it more challenging to appropriately place experienced teachers in a setting that is being transformed. Mary Chapa’s teacher experience index was 6.2 versus the 6.6 for the district. A waiver of the Teacher Experience Index target will allow the district to continue to improve student achievement by supporting the continued reform currently in progress.
Waiver Number: 15-12-2011  Period of Request: August 1, 2010, to June 30, 2015
Cedar Lane Elementary School
Marysville Joint Unified School District

Local Educational Agency Request:

Marysville Joint Unified School District (JUSD) is a semi-rural school district located in Yuba County and has a student population of approximately 9,858 students. Cedar Lane Elementary School (ES) serves 515 students in kindergarten and grades one through six. Academic Performance Index (API) data for Cedar Lane ES shows that the school did not exceed the three-year average growth requirement of the Quality Education Investment Act (QEIA). Cedar Lane ES’s three-year growth average target is 5.0, but its three-year growth average is only 3.7.

Marysville JUSD states that staffing and population changes at the school site made achieving API growth difficult. The district was awarded a School Improvement Grant (SIG) and the principal and nine teachers left to teach at the SIG school. The district states that the staffing changes completely wiped out staffing for two entire grade levels. The district states that staff morale was deeply impacted by changes to the school. Teachers remaining at Cedar Lane ES were nervous that the new teachers would not fit in or work as hard as necessary to improve test scores. Teachers were teaching new grade levels with new grade level curriculum and little training. The district states that for 2011–12 it has developed a comprehensive professional development plan that includes ongoing grade level articulation both vertically and horizontally and that student data is being monitored again on a regular basis.

Marysville JUSD requests a waiver of the QEIA API three-year average growth requirement for Cedar Lane ES for the 2010–11 school year.

Additional Local Educational Agency and School Information for Consideration:

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<thead>
<tr>
<th>School Locale Code</th>
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<td>No</td>
</tr>
<tr>
<td>Made AYP?</td>
<td>No</td>
</tr>
</tbody>
</table>

*Suburb Small: Territory outside a principal city and inside an urbanized area with population less than 100,000.
California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils within the meaning of California Education Code Section 33051(a)(1).

Specifically, (1) QEIA funding is expected to result in increased academic achievement over time and Cedar Lane ES has not demonstrated the required growth; (2) Receipt of SIG funding is not a reasonable explanation for neglecting to implement a professional development plan or monitor student data at other schools; and (3) QEIA program requirements were known to the district prior to its decision to apply for program participation.

Reviewed by Cedar Lane Elementary Schoolsite Council on November 28, 2011.

Supported by Marysville Teachers Association, November 29, 2011.

Local Board Approval: December 13, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)   http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  _X_  
Renewal Waiver:  __  

Send Original plus one copy to:  Send Electronic copy in Word and  
Waiver Office, California Department of Education  back-up material to: waiver@cde.ca.gov  
1430 N Street, Suite 5602  
Sacramento, CA 95814  

Local educational agency:  Marysville Joint Unified School District  
Contact name and Title:  Jill Segner, Principal  
Contact person’s e-mail address:  jsegner@mjusd.com  
Address:  9525 E. Broderick   Linda   CA   95365  
Phone (and extension, if necessary):  Fax Number:  530-741-  
Period of request:  From:  August 1, 2011 To:  June 30, 2015  
Local board approval date:  December 13, 2011  
Date of public hearing:  December 13, 2011  

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): portions of 52055.740(a)  
   Circle One:  (EC)  or  CCR  
   Topic of the waiver: MJUSD is requesting that the Academic Performance Index average be reduced due to significant changes at school site.

2. If this is a renewal of a previously approved waiver, please list Waiver Number:   _____  and date of SBE Approval______  
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  _No__  _Yes_  If yes, please complete required information below:  
   Bargaining unit(s) consulted on date(s):  Tuesday, November 29, 2011  
   Name of bargaining unit and representative(s) consulted:  Marysville Unified Teachers Association, Steve White  
   The position(s) of the bargaining unit(s):  _Neutral__  _x_  Support  __ Oppose (Please specify why)  
   Comments (if appropriate):  

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  
   How was the required public hearing advertised?  
   _X_ Notice in a newspaper  _X_ Notice posted at each school  _Other:  (Please specify)  

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
   Date the committee/council reviewed the waiver request:  Monday, November 28, 2011  
   Were there any objection(s)?  No__  _X_  Yes ___  (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(5) Exceed the API growth target for the school averaged over the first three full years of funding. Beginning in the fifth year of participation, funded schools shall meet their annual API growth targets. If the school fails to meet its annual growth target, the school shall continue to receive funding pursuant to this article, but shall be subject to state review, assistance, and timeline requirements pursuant to the HPSGP under Section 52055.650. The school site administrator shall not automatically be reassigned based solely on that failure.

7. **Desired outcome/rationale.** Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

QEIA requires that Cedar Lane Elementary School attain an average target of 5 growth points per year on the Academic Program Index 2008/09 to 2010/11. Although this growth target was far surpassed in all consecutive years, the 2010-11 school year saw a reduction in growth. Due to significant changes in highly trained staff, enrollment, administration, and incorporation of an additional school on campus, the school struggled with maintaining its API. Staff changeover occurred when 36% of the existing staff and site principal chose to accept positions at the district’s SIG Turnaround site. This highly trained group of teachers was replaced with 28% of teachers leaving the SIG site as well as 8% of displaced Alternative Education teachers. Entire grade levels of teachers that had shown exceptional team building and collaboration with significant API growth for consecutive years were replaced with teachers lacking this characteristic. The site also suffered the tragic death of a fellow teacher early in the school year. As well, a teacher that spent almost her entire career at Cedar Lane was very ill and retired mid-year. In addition, Cedar Lane staff took on the responsibility of MJUSD’s Emotionally Disturbed Special Education Program serving all of Yuba County. The teacher of this program was also displaced from the SIG site without any experience teaching Emotionally Disturbed students. A new principal took on the responsibility of healing a highly fractured staff. Three weeks into the school year, the district dismissed the site’s vice principal. Cedar Lane was also impacted by a Charter School whose administrator was relieved of the position at the end of the 2011 school year.

At this time, Cedar Lane has come together and developed a plan for improvement. Please see attachment.

Significant Changes to Site Community
- Loss of 9 high-performing teachers
- Loss of site administrator
- Decimation of 2 grade levels
- Addition of 7 teachers administratively transferred from a persistently low-performing school
- Addition of 2 teachers displaced from Alternative Education
- Addition of an Emotionally Disturbed Program with inexperienced teacher
- Addition of another school on campus with 120 students
- Death of a young teacher
- Unexpected retirement of a teacher due to illness
- Extended pregnancy leave due to complications
- Severe illness that caused another teacher to be out over 10% of the year

Plans for Improvement:
- A Leadership Team has been assembled and meets regularly.
- The staff is providing professional development for the programs in use at the school.
- English Language Development is the focus for the staff for the 11/12 school year.
- Weekly grade level meetings to facilitate English Language Development: Focus on 3rd and 4th grade intervention needs
- Cedar Lane receives technical assistance from the Sacramento County Office of Education.
- Teachers not previously trained or new to the District have signed up for GLAD training.
- Two teachers providing Professional Development in Math³, a partnership with California State University, Chico
- Other Professional Development: Accelerated Reader, Smart Board Training, United Streaming, Study Island
- Teachers providing intervention
- Added Para-educator for Kindergarten
- ASES (After-school program) Liaison to build a bridge between school and the program
- Weekly grade level articulation: lesson development and questioning strategies to facilitate a deeper understanding of content
- Monthly articulation meetings and Data Analysis

Cedar Lane would like to be given the opportunity to overcome the numerous, significant, one-time events that plagued our campus last year.
8. **Demographic Information:**
   Cedar Lane Elementary School has a student population of 515 students and is located in a rural area in Yuba County. We are approximately 40% EL and 98% Free or Reduced Lunch. We deal daily with generational poverty due to drug addiction and alcohol abuse.

| Is this waiver associated with an apportionment related audit penalty? (per EC 41344) | No ☐ | Yes ☐ |
| (If yes, please attach explanation or copy of audit finding) |

| Has there been a Categorical Program Monitoring (CPM) finding on this issue? | No ☐ | Yes ☐ |
| (If yes, please attach explanation or copy of CPM finding) |

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

| Signature of Superintendent or Designee: | Title: Superintendent | Date: |

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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

| Staff Name (type or print): | Staff Signature: | Date: |
| Unit Manager (type or print): | Unit Manager Signature: | Date: |
| Division Director (type or print): | Division Director Signature: | Date: |
| Deputy (type or print): | Deputy Signature: | Date: |
Last year at Cedar Lane Elementary School, significant staff and population changes to the school site made achieving API growth difficult indeed. We began the year with a loss of the site principal and 9 teachers who chose to apply for positions at our newly funded School Improvement Grant Turnaround site. The administrator of the SIG site being the previous Cedar Lane principal and chosen for the SIG site because of his success rate at Cedar Lane was able to handpick teachers from Cedar Lane with proven results he had witnessed firsthand. With the skills this team had developed and honed through Cedar Lane’s QEIA funding, they were a shoe in for the additional opportunities available at the SIG site. Due to this staffing change, not only did the site lose a successful and well trained administrator, two entire grade levels were completely wiped out by the move. As teachers were displaced at the SIG site, teacher seniority rights came into effect. In addition, the MJUSD Alternative Education program was being realigned resulting in additional displaced teachers. Cedar Lane received 8 displaced teachers from the failing SIG school and two displaced teachers from Alternative Education.

Significant tragedies greatly impacted Cedar Lane in 2010-11. The year brought the unexpected death of a teacher that devastated the school community. In addition, students and staff were impacted by high rates of teacher medical absences: a teacher with many years at Cedar Lane became too ill to teach and retired mid-year, another teacher was ill over 10% of the school year, yet another teacher went out on an emergency pregnancy leave. With larger numbers of students, increasing numbers of substitute teachers, and decreasing numbers of experienced Cedar Lane teachers the site struggled to provide high quality instruction.

The make-up of site enrollment was dramatically effected by an increased student population. Due to Cedar Lane having available facilities and being the most appropriate location for students being served, the district’s Emotionally Disturbed SDC class was placed on to Cedar Lane’s campus. This is a Regional Program serving students within and outside of the MJUSD. The teacher assigned to this program also happened to be a displaced teacher with seniority rights from the SIG site arriving with little to no experience in working with Emotionally Disturbed students. Cedar Lane also took on the responsibility of housing an additional school on its campus. New Day Charter School moved onto the campus with 120 additional students to manage. The management of daily movement and behavior modification was left up to the Cedar Lane Administrator.

Staff morale was deeply impacted by these changes. Teachers remaining at Cedar Lane were nervous that the new teachers would not fit in or work as hard as they had to improve test scores. The new teachers were anxious because they wanted to demonstrate that they were not the reason their previous school had failed. Teachers were teaching new grade levels with new grade level curriculum and little training. It took a year of collaboration, professional development, and community building to wash away preconceived fears, build confidence, and create a learning environment based on student achievement.
Although our students have been academically impacted by the changes occurring to Cedar Lane in the 2010-11 school year, our staff and community have come together. Losing the QEIA funding would be adding insult to injury. Any site having to meet the challenges Cedar Lane faced in 2010-11 would be hard put to show academic growth. The loss of funding would be an additional hardship to students and staff that played no part in the predicament they found themselves responsible to manage. Loss of funds would be adding insult to injury to a school community that had members wrench from a school they loved and site community that watched 35% of their staff leave. With the loss of funding our Cedar Lane teacher population would be reduced an additional 25%. Our Cedar Lane teachers and students have worked very hard and they know they can raise their scores to make up the 20 point loss as well as the additional 5 necessary for maintenance of the QEIA grant. Please note that if this had happened in our fourth year instead of our third year of the grant, our funding would not have been impacted, but we would have had to develop a corrective action plan similar to SAIT. This is exactly what we are doing in our work with the district and Sacramento County Office of Education. Please do not let all of our good work be forgotten.

Hindsight is 20/20. We have developed a comprehensive professional development plan that includes ongoing grade level articulation both vertically and horizontally. Student data is being monitored again on a regular basis with support from Sacramento County Office of Education for both teachers and administration. Parent involvement is increasing this year. The New Day Charter School is no longer on campus, and our ED program is fitting into our academic setting very well. In reading our pleas to maintain QEIA funding despite the 2010-11 years API performance, please take note of our current plan for improvement, our students previous track record, and current benchmark scores projecting significant API growth. With QEIA funds, these students have grown and will continue to grow under the new administration and staff.
Synopsis of School Improvement Plan

A Leadership Team has been assembled and meets monthly. The staff under guidance from Sacramento County Office of Education is providing professional development for the programs in use at the school.

- English Language Development is the focus for the staff for the 11/12 school year. Cedar Lane receives technical assistance from the Sacramento County Office of Education. Grade levels meet once a week for articulation using data to determine high quality first instruction and discussing ELD strategies they can infuse into all of their lessons. They report out weekly how the strategies worked and how they would change or implement for the next week’s lesson. Teachers use GLAD strategies and consult their ELD guides. Teachers not previously trained or new to the District have signed up for GLAD training.

- Weekly meetings are held to improve and enhance teacher focus on curriculum and instructional practice in all subject areas. Teachers work together to develop questioning strategies and activities to enhance the lessons and facilitate a deeper understanding of what is taught.

- We have two teachers participating in Math3: a collaboration with California State University, Chico. These teachers will provide professional development to our staff with regards to math instruction.

- Other Professional development includes, Accelerated Reader, Smart Board Training, United Streaming, Questioning Strategies, Common Core Standards, Study Island, and Handwriting without Tears.

- Staff members are scheduled to attend a week long data articulation camp at the CSU, Chico campus in July to further develop skills in data analysis.

Strategies for Intervention

Extra help substitutes are in use to provide intervention to students that may have gaps in their learning. A Para-educator has been hired to assist in the Kindergarten-1st grade classrooms to provide intervention in areas of student need. Another facet of intervention is our teacher representative to STARS, our after school program. This person works with teachers of students enrolled in STARS to provide intervention or acceleration as appropriate. This person also assists STARS personnel with techniques to help students.
Students at Cedar Lane Elementary have shown API growth in the double digits for 5 consecutive years prior to 2010-11.

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<tr>
<td>2010-11 731</td>
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Current Standards Based Benchmark Proficiency for the 2011-12 school year shows significant growth over 2010-11 school year and projected 2011-12 API growth Sections in bold show areas of growth. Overall math is up 78 percentage points from last year and overall ELA is up 72 percentage points from last year.

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Waiver Number: 38-12-2011  Period of Request: August 1, 2010, to June 30, 2012
Potrero Elementary School
Mountain Empire Unified School District

CDS Code: 37 68213 6097190

Local Educational Agency Request:

Mountain Empire Unified School District (USD) is a rural school district located in San Diego County and has a student population of approximately 2,400 students. Potrero Elementary School (ES) serves 265 students in kindergarten and grades one through eight. Academic Performance Index (API) data for Potrero ES shows that the school did not exceed the three-year average growth requirement of the Quality Education Investment Act (QEIA). Potrero ES’s three-year growth average target is 5.0, but its three-year growth average is negative 10.3. Mountain Empire USD was previously granted a QEIA class size reduction waiver for Potrero ES in May 2010 by the State Board of Education.

Mountain Empire USD states that in 2009–10 the middle school was disbanded because it was in its seventh year of program improvement. The district states that there has been an influx of Spanish speaking students that have made attaining the API progress for the school very challenging. The district states that Potrero ES has experienced a constant movement of students from Potrero to other schools because of its program improvement status and the offer of transportation to other school sites.

Mountain Empire USD requests a waiver of the QEIA API three-year average growth requirement for Potrero ES for the 2010–11 school year.

Additional Local Educational Agency and School Information for Consideration:

<table>
<thead>
<tr>
<th>School Locale Code</th>
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<td>Grade Span</td>
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<td>2008–09 API</td>
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<td>No</td>
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</tbody>
</table>

*Rural Distant: Census-defined rural territory that is more than 5 miles but less than or equal to 25 miles from an urbanized area, as well as rural territory that is more than 2.5 miles but less than or equal to 10 miles from an urban cluster.
California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils within the meaning of California Education Code Section 33051(a)(1).

Specifically, (1) QEIA funding is expected to result in increased academic achievement over time and Potrero ES has not demonstrated the required growth; and (2) QEIA program requirements were known to the district prior to its decision to apply for program participation.

Reviewed by Potrero Elementary Schoolsite Council on December 7, 2011.

Supported by Mountain Empire Teachers Association, December 1, 2011.

Local Board Approval: December 13, 2011.
GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: ___

Local educational agency: Mountain Empire Unified School District for Potrero Elementary

| Address: 3291 Buckman Springs Road, Pine Valley, Ca 91962 |
| Contact name and Title: Barbara Cowling, Categorical Director |
| Contact person’s e-mail address: bcowling@meusd.k12.ca.us |

| Period of request: From 8/1/2010 To 6/30/2012 |
| Local board approval date: (Required) 12/13/11 |
| Date of public hearing: (Required) 12/13/11 |

**LEGAL CRITERIA**

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code to be waived (number): EC 52055.740 Part 5 regarding API Growth Targets requirements under the Quality Education Investment Act, that the school will meet the growth target by the end of the school year 2011-2012.

   Circle One: EC or CCR

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______. Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? No _X_ Yes ___ If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 12/1/11

   Name of bargaining unit and representative(s) consulted: Mari Mann

   The position(s) of the bargaining unit(s): _X_ Support ___ Oppose (Please specify why)

   Comments (if appropriate): The representative supports keeping the QEIA grant as it has improved the scores at Potrero School.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper _X_ Notice posted at each school ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: December 7, 2011

   Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify)
6. **Education Code** or **California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key). Following program requirements by the school by the end of the third full year of funding:

   (5) Exceed the API growth target for the school averaged over the first three full years of funding. Beginning in the fifth year of participation, funded schools shall meet their annual API growth targets. If the school fails to meet its annual growth target, the school shall continue to receive funding pursuant to this article, but shall be subject to state review, assistance, and timeline requirements pursuant to the HPSGP under Section 52055.650. The school site administrator shall not automatically be reassigned based solely on that failure.

   (b) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following interim requirements:

   (1) Be at least one-third of the way toward meeting each of the program requirements specified in paragraphs (1) to (5), inclusive, of subdivision (a) by the end of the first full year of funding.

   (2) Be at least two-thirds of the way toward meeting each of the program requirements specified in paragraphs (1) to (5), inclusive, of subdivision (a) by the end of the second full year of funding, and achieve full implementation by the end of the third full year and for each year thereafter.
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Potrero School is a small, rural school five miles from the border of Tecate, Mexico. The location of the school and other unique circumstances should make our school eligible for a waiver for the API requirement.

In the 2009-2010 Mountain Empire Unified School District decided to disband the middle school. The seventh grade students remained at their elementary school and the following school year, the eighth grade students remained at the elementary school. This action was decided on because Mountain Empire’s middle school was in its seventh year of Program Improvement. It was felt that the students would perform better if they remained at their elementary school.

Also, there has been an influx of Spanish speaking students. The close proximity to Mexico and the political climate of Mexico is driving American citizens living in Mexico to move to the United States. These families have close ties to their extended family in Mexico. The scores of these children have made making the API progress for the school very challenging.

Furthermore, Potrero School has experienced a constant move of students from Potrero to other schools. Some of this is because Potrero is in Program Improvement and the district offers bussing to other sites. Also, there is “white flight” due to the incoming Spanish speaking students, making the English speakers a minority. Another reason for the change in population is the economic climate of the United States. Families are moving into more populated areas to obtain social services, move closer to work and closer to industry and shopping because they can no longer afford to live so far from town.

Attached to this waiver, you will find data on Potrero School.

**Attachment A:** The top group of students is the California API scores for Potrero. The middle groups are students who either started the school late or left before the school year ended. The bottom group of students are the students who were continuously enrolled for three years; only 79.

**Attachment B:** This chart is very difficult to read. The number of students tested is small and one or two students can have great impact on scores. The one year, where there was significant increase in scores was the year the QEIA API benchmarks were set. It is nearly impossible to compare the scores from these early years to present scores because less than 100 students were consistently enrolled at Potrero, the seventh and eighth grade students were added and many students either enrolled late or left the school after testing; not enrolled for the entire year.

What is apparent is that the scores have improved over time, and this is due to the QEIA funding, which has provided teachers to support this small school of English learners.

This school has had unique societal factors that have impacted it, yet the API at Potrero climbed every year except one. I am asking that the State Board of Education consider these factors and grant a waiver to Potrero School so the school can continue to benefit from these funds.

8. Demographic Information:  
(Mountain Empire Unified School District/Potrero School /QEIA) has a student population of 265 and is located in a rural area in San Diego County five miles north of Tecate, Mexico and approximately 40 miles from San Diego.

| Is this waiver associated with an apportionment related audit penalty? (per EC 41344) | No ☐ | Yes ☐ |
| (If yes, please attach explanation or copy of audit finding) |

| Has there been a Categorical Program Monitoring (CPM) finding on this issue? | No ☐ | Yes ☐ |
| (If yes, please attach explanation or copy of CPM finding) |

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:  
Title:  
Superintendent  
Date:  
12/13/11
<table>
<thead>
<tr>
<th>Role</th>
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<th>Date</th>
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</thead>
<tbody>
<tr>
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<tr>
<td>Unit Manager (type or print)</td>
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<td>Division Director (type or print)</td>
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<tr>
<td>Deputy (type or print)</td>
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## POTRERO SCHOOL API REPORT

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<tr>
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<td>130</td>
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<tr>
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<tr>
<td>&quot;continuously enrolled&quot; for 3 school years(^c)</td>
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<td>+1</td>
<td>79</td>
<td>739</td>
<td>+37</td>
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\(^a\) This group of students consists of a “panel” cohort, or a group of students from year to year that includes some matched students over time plus other students who enter the panel (like new students or new 2\(^{nd}\) grade students each year). This group also loses members (e.g., when 6\(^{th}\) grade students move onto middle school). This group is the same group the State uses to calculate API.

\(^b\) This group of students consists of a completely different set of students each year. These are the students the district has labeled “CBEDS NO,” or those students who were enrolled after the first Wednesday in October or dis-enrolled prior to the first day of testing for a given year.

\(^c\) This group consists of a “matched” cohort of students, or a group of the SAME students over 3 consecutive years (e.g., students in grade 2 in 2009 are the same students in grade 3 for 2010 and grade 4 for 2011). No new students enter this cohort and all students must have 3 years of scores to participate in the cohort.
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<th>07-08 Change</th>
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<th>08-09 Change</th>
<th>2010</th>
<th>09-10 Change</th>
<th>2011</th>
<th>10-11 Change</th>
<th>Total Change</th>
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</thead>
<tbody>
<tr>
<td></td>
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<td>N</td>
<td>API</td>
<td>#</td>
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<td>*</td>
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<td>-23</td>
<td>79</td>
<td>703</td>
<td>+1</td>
<td>79</td>
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</table>

\(^a\) This group of students consists of a “panel” cohort, or a group of students from year to year that includes some matched students over time plus other students who enter the panel (like new students or new 2\(^{nd}\) grade students each year). This group also loses members (e.g., when 6\(^{th}\) grade students move onto middle school). This group is the same group the State uses to calculate API.

\(^b\) This group of students consists of a completely different set of students each year. These are the students the district has labeled “CBEDS NO,” or those students who were enrolled after the first Wednesday in October or dis-enrolled prior to the first day of testing for a given year.

\(^c\) This group consists of a “matched” cohort of students, or a group of the SAME students over 3 consecutive years (e.g., students in grade 2 in 2009 are the same students in grade 3 for 2010 and grade 4 for 2011). No new students enter this cohort and all students must have 3 years of scores to participate in the cohort.

* Potrero had no students for 5 consecutive years because it was an elementary (K-5) school and students are only tested in grades 2-5 (four years). District-wide Mountain Empire (host district) had 22 students for 5 or more consecutive years.
Local Educational Agency Request:

Oxnard School District (SD) is located in Ventura County and has a student population of approximately 15,870 students. Richard B. Haydock Intermediate School (IS) serves 740 students in grades seven through eight. Academic Performance Index (API) data for Richard B. Haydock IS shows that the school did not exceed the three-year average growth requirement of the Quality Education Investment Act (QEIA). Richard B. Haydock IS’s three-year growth average target is 6.0, but its three-year growth average is only 3.0.

Oxnard SD states that in 2008–09 a new math program adoption began. The teachers had been trained on the new program and were ready to implement but the textbooks did not arrive until January 2009. The district states that it was forced to use its previous curriculum and supplemental materials, and although good teaching was taking place, these materials were not aligned to the placement of students and ultimately resulted in a 22 point loss in API.

Oxnard SD requests a waiver of the QEIA API three-year average growth requirement for Richard B. Haydock IS for the 2010–11 school year.

Additional Local Education Agency and School Information for Consideration:

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<tr>
<th>School Locale Code</th>
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<td>LEA Average Daily Attendance (ADA)</td>
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<td>School ADA</td>
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<td>No</td>
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<tr>
<td>Made AYP?</td>
<td>No</td>
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*City Midsize: Territory inside an urbanized area and inside a principal city with population less than 250,000 and greater than or equal to 100,000.
California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils within the meaning of California Education Code Section 33051(a)(1).

Specifically, (1) QEIA funding is expected to result in increased academic achievement over time and Richard B. Haydock IS has not demonstrated the required growth; (2) the LEA has not demonstrated that circumstances beyond its control resulted in textbook delays; furthermore, it is not clear why no other option was explored when textbooks failed to arrive on time; and (3) QEIA program requirements were known to the district prior to its decision to apply for program participation.


Supported by Oxnard Educators Association, California School Employees Association, and Oxnard Support Services Association, November 18, 2011.

Local Board Approval: December 7, 2011.
**CALIFORNIA DEPARTMENT OF EDUCATION**  
**GENERAL WAIVER REQUEST**  
GW-1 (Rev. 10-2-09)  
http://www.cde.ca.gov/re/lr/wr/  

First Time Waiver: _X__  
Renewal Waiver: ____  

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814  

Send Electronic copy in **Word** and  
back-up material to: waiver@cde.ca.gov  

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**CD CODE**  
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<th>Local educational agency:</th>
<th>Contact name and Title:</th>
<th>Contact person’s e-mail address:</th>
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<tbody>
<tr>
<td>Oxnard School District</td>
<td>Amelia Sugden, Principal</td>
<td><a href="mailto:asugden@oxnardsd.org">asugden@oxnardsd.org</a></td>
</tr>
<tr>
<td>Richard B. Haydock Middle School</td>
<td>Jeff Chancer, Superintendent</td>
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<table>
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<th>Address:</th>
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<th>(State)</th>
<th>(ZIP)</th>
<th>Phone (and extension, if necessary):</th>
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<tr>
<td>647 West Hill Street</td>
<td>Oxnard</td>
<td>CA</td>
<td>93033</td>
<td>805-385-1545</td>
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| Fax Number: | |
|-------------| |
| 805-487-7159 | |

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<th>Local board approval date:</th>
<th>Date of public hearing:</th>
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<td>(month/day/year)</td>
<td>(Required)</td>
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<tr>
<td>From: August 28, 2012</td>
<td>To: June 17, 2013</td>
<td>December 7, 2011</td>
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**LEGAL CRITERIA**

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 52055.740. a  
   Circle One: **EC** or **CCR**  
   
   Topic of the waiver: API Compliance in QEIA

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______.  
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes  
   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): Oxnard Educators Association, November 18, 2011 & California School Employees Association, November 18, 2011, Oxnard Supportive Services Association, November 18, 2011.

   Name of bargaining unit and representative(s) consulted: Oxnard Educators Association, Robin Lefkovits, President; California School Employees Association, Clara Ramos, President.

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (Please specify why)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?  
   ___X_ Notice in a newspaper _X_ Notice posted at each school ___X_ Other: (Please specify) Posted at District Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: School Site Leadership Team, November 14, 2011

   Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify)
6. **Education Code** or **California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

52055.740. a.

(5) Exceed the API growth target for the school averaged over the first three full years of funding. **Beginning in the fifth year of participation, funded schools shall meet their annual API growth targets.** If the school fails to meet its annual growth target, the school shall continue to receive funding pursuant to this article, but shall be subject to state review, assistance, and timeline requirements pursuant to the HPSGP under Section 52055.650. The school site administrator shall not automatically be reassigned based solely on that failure.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Please see attached

8. Demographic Information:

   Haydock Intermediate School has a student population of ___740______ and is located in a __(urban, rural, or small city etc.)___ in Ventura County.

   Is this waiver associated with an apportionment related audit penalty? *(per EC 41344)*  
   (If yes, please attach explanation or copy of audit finding)

   Has there been a Categorical Program Monitoring (CPM) finding on this issue?  
   (If yes, please attach explanation or copy of CPM finding)

   **District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

   Signature of Superintendent or Designee: Title: Mr. Jeff Chancer, Superintendent  
   Oxnard School District Date: December 7, 2011

   **Staff Name (type or print):** Staff Signature: Date: 

   **Unit Manager (type or print):** Unit Manager Signature: Date: 

   **Division Director (type or print):** Division Director Signature: Date: 

   **Deputy (type or print):** Deputy Signature: Date:
The students of Richard B. Haydock Intermediate School have made significant gains and the culture of our school is greatly improved due to the funding we have received from the QEIA grant. Over the past two school years, our API improved 31 points. We have secured the teaching staff, counselors, and Intervention Specialists for targeted instruction necessary for this school community to thrive. Our staff has been trained in various programs to ensure that we are prepared for the great diversity our community embodies. QEIA funding has made this, and much more, possible. Despite these improvements, we have been selected to exit the QEIA program because our API average has not met the three year average target. This is due to a set of circumstances that converged on our school during our first year of implementation. We are therefore requesting to continue receiving QEIA funds so that the vast improvements we have worked hard to establish and the gains our students have made will continue.

Our first year of implementation, 2008-2009, brought some significant and extraordinary changes and challenges. Our most significant challenge was a brand new Math program adoption. The teachers had been to training for the new program and were ready to implement at all levels. Students were placed according to their fit into the new program and our materials were ordered very early. Unfortunately, problems with the publisher backlog resulted in the materials not arriving at our school until January of 2009. We were forced to use our previous curriculum and supplemental materials. While good teaching was still taking place, these materials were not aligned to the placement of the students. The result was a tragic dis-connect that left us with a 22 point loss in API for Math after our first year. We have since made gains.

![Figure 1. Math CST Growth](image-url)
Our school has been extremely focused on the goals that QEIA funding sets forth and using the grant as effectively as possible. We have met our class size reduction (CSR) since year one of the implementation timeline at both grades levels and in all subject areas, the professional development requirements have been met at 100% for classified, certificated and administrative staff for every year of participation, and the teacher experience index (TEI) and we are fully compliant with the Williams Act.

The additional staffing resources and time for collaboration have helped us establish alignment of assessments across all content areas. This has resulted in significant gains in both the Social Studies and Science performance for our 8th graders. (CST is only given in 8th grade for these subjects). We have been able to maintain growth at both grade-levels in language arts.

The additional staffing resources in Counseling and Outreach have enabled us to increase our parent involvement. We have refined our placement procedures, using QEIA funding to test incoming students before they arrive. Our master schedule has been restructured to meet the incredible variety of students that we serve. This grant has allowed for collaboration time and the hiring of additional teachers in order to staff our double period interventions and extended day for students needing more instructional time. QEIA funding has enabled our site to hire additional counselors as well, who monitor student progress and ensure that our Response to Instruction and Intervention process is working. Our fidelity to the program and the tireless efforts of our entire school community, have shown remarkable results since that first year. Our growth over the previous two years indicates that the QEIA funding is making the desired impact and that our school is using the funding effectively.

Figure 2: ELA CST Growth

![Chart showing ELA CST Growth](chart.png)
The loss of QEIA funding would devastate everything we have worked so hard to achieve. Class sizes, placement data, programs, professional development and staffing would all be so severely compromised that it could erase every gain we have made. With the exception of the first year of implementation, our gains are significant. Allowing our funding to continue would paint a much more accurate picture of our school’s progress. We feel that the previous two years and this year’s results will show that Richard B. Haydock is a school community that has utilized the QEIA opportunity to maximize student growth. The first year was the anomaly, not the story.
Waiver Number: 14-12-2011  Period of Request: August 28 2010, to June 17, 2013
McKinna Elementary School  CDS Code: 56 72538 6055354
Oxnard School District

Local Educational Agency Request:

Oxnard School District (SD) is located in Ventura County and has a student population of approximately 15,870 students. McKinna Elementary School (ES) serves 550 students in kindergarten and grades one through six. Academic Performance Index (API) data for McKinna ES shows that the school did not exceed the three-year average growth requirement of the Quality Education Investment Act (QEIA). McKinna ES’s three-year growth average target is 5.3, but its three-year growth average is only 3.7.

Oxnard SD states that in 2008–09 a new math program adoption began. The program was substantially different from its previous math adoption and teachers were unfamiliar with the program and this caused problems with pacing and instruction. The district states that these problems caused a drop in math scores and a resulting drop in the API.

Oxnard SD requests a waiver of the QEIA API three-year average growth requirement for McKinna ES for the 2010–11 school year.

Additional Local Educational Agency and School Information for Consideration:

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<thead>
<tr>
<th>School Locale Code</th>
<th>12*</th>
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<tbody>
<tr>
<td>LEA Average Daily Attendance (ADA)</td>
<td>15,870</td>
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<td>School ADA</td>
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<td>Made AYP?</td>
<td>No</td>
</tr>
</tbody>
</table>

*City Midsize: Territory inside an urbanized area and inside a principal city with population less than 250,000 and greater than or equal to 100,000.
California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils within the meaning of California Education Code Section 33051(a)(1).

Specifically, (1) QEIA funding is expected to result in increased academic achievement over time and McKinna ES has not demonstrated the required growth; (2) the LEA has not demonstrated the steps it took to ensure that the new adoption was optimally implemented and that implementation issues were addressed as they surfaced; and (3) QEIA program requirements were known to the district prior to its decision to apply for program participation.

Reviewed by McKinna Leadership Team on November 3, 2011.

Supported by Oxnard Educators Association, California School Employees Association, and Oxnard Support Services Association, November 18, 2011.

Local Board Approval: December 7, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/
First Time Waiver: _X_
Renewal Waiver: ____

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814
Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency:
Oxnard Elementary School District
Mc Kinna School
Contact name and Title:
Anne Jenks         Jeff Chancer
Principal               Superintendent
Contact person’s e-mail address:
ajenks@oxnardsd.org

Address:                                         (City)                              (State)                        (ZIP)
1051 South "A" Street                  Oxnard                            CA                           93030
Phone: 805-385-1563

Period of request: (month/day/year)
From: August 28, 2012 To:  June 17, 2013
Local board approval date: (Required)
12-7-11  
Date of public hearing: (Required)
12-7-11

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Circle One: EC or CCR

Topic of the waiver: API Compliance in QEIA

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  _X_ Yes  If yes, please complete required information below:
Bargaining unit(s) consulted on date(s): November 18, 2011
Name of bargaining unit and representative(s) consulted: Oxnard Educators Association, California School Employees Association, Oxnard Supportive Services Association.
The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (Please specify why)
Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.
How was the required public hearing advertised?
   _X_ Notice in a newspaper   _X_ Notice posted at each school   _X_ Other: (Please specify) Outside of the District Office.

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
McKinna Leadership Team
Date the committee/council reviewed the waiver request:
November 3,2011
Were there any objection(s)? No _X__ Yes ___ (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

5. Exceed the API growth target for the school averaged over the first three full years of funding. *Beginning in the fifth year of participation, funded schools shall meet their annual API growth targets.* If the school fails to meet its annual growth target, the school shall continue to receive funding pursuant to this article, but shall be subject to state review, assistance, and the timeline requirements pursuant to the HPSGP under Section 52055.650 The school site administrator shall not automatically be reassigned based solely on that failure.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   Please see attached.

8. Demographic Information:

   McKinna School has a student population of 550 students and is located in the city of Oxnard in Ventura County.

   Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  No X   Yes □  
   (If yes, please attach explanation or copy of audit finding)

   Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X   Yes □  
   (If yes, please attach explanation or copy of CPM finding)

   **District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

   Signature of Superintendent or Designee:  Title:  Date:
   Superman, Oxnard School District  12-7-11

   **FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

   Staff Name (type or print):  Staff Signature:  Date:

   Unit Manager (type or print):  Unit Manager Signature:  Date:

   Division Director (type or print):  Division Director Signature:  Date:

   Deputy (type or print):  Deputy Signature:  Date:
The McKinna community has benefitted greatly from the funding that we have received from the QEIA grant. Funding from the grant has given McKinna students access to staffing, class size reduction, interventions and instructional materials that would not otherwise have been possible. In addition, our staff has gained by having quality, targeted professional development that has also benefitted our students. The result of this has been significant increases in student achievement. We have met or exceeded all of our goals but one: our API scores. We hope to show that we are worthy of continuing to receive the grant. If we lose it, the progress that we are making could be significantly diminished. We have a plan, and the plan is working. We just need more time and funding for it to come to fruition.

The first year that we received funding (07-08), our API rose 14 points from 683 to 697. In the 08-09 school year, our API dropped 21 points to 676. We gained 27 points in 09-10 for an API of 703. We gained 2 points in 2011 for an API of 705. As you can see, our API increased every year except 2009.

With the exception of 2009, McKinna has either met the actual target or made Safe Harbor in mathematics. In 2009, the Oxnard Elementary School District implemented a new math program. This program, enVisions Math, was substantially different from the previous math adoption. Teachers were unfamiliar with the program and this caused problems with pacing and instruction. These problems, in turn, caused a drop in our math scores, and this resulted in a drop in the API. Without this “implementation dip” we would have met our goal.
Although the gains in English Language Arts have not been as dramatic, we have made slow but steady progress. In 2011, for the first time, our English Learners made Safe Harbor jumping from 25.9% proficient to 31.1% proficient or above in English Language Arts. The English Learners at McKinna comprise over 70% of our school population. This means that we were very close to attaining Safe Harbor in both math and language arts in 2011. The reason for this can be directly attributed to the funding from QEIA that allowed McKinna to keep class sizes low, hire additional teachers (Intervention Service Providers), create intervention classes before and after school, provide quality professional development targeted specifically at teaching English Learners and purchase intervention materials that are specific to the acquisition of English. Without continued funding, McKinna students will not have the necessary support to move forward.
One of the main strategies that has been supported by QEIA funding is RtII. This is carried out during Universal Access time in Language Arts and Math. All grade levels team during Language Arts and most during Math. During UA time, the Resource Specialist, Intervention Service Providers, classroom teachers and Instructional Assistants push-in to classrooms and work with students in very small targeted groups. Groups are formed according to data gathered from DIBELS assessments for language arts and other data is collected to form groups for math. Very specific needs are identified and addressed. Groups are fluid and change as students progress. This has been very successful. The number of students receiving Resource Services has declined from 31 three years ago to 14 at this time. Within the last three months, three students have made sufficient progress to exit special education, and fewer students are being referred for testing. This is a direct result of the timely intervention provided during UA. If our funding from QEIA is discontinued, we will not be able to hire the number of teachers that we have now. Our class sizes will increase dramatically, and we will not be able to meet the needs of our students as effectively.
As mentioned earlier, our English Learners have made significant gains as a result of the professional development that we have been able to give teachers using QEIA funding. The Ventura County Office of Education supplies most of our professional development. As over 70% of McKinna students are English Learners, the focus has been on effective strategies for teaching English Learners both in English Language Arts and Math. In addition to providing professional development during SIP Day, VCOE has presented workshops at various times during the year. They have modeled lessons and then worked directly with grade level teams to insure that the strategies in reading comprehension, vocabulary development, and math, are understood. Some specific areas of professional development that targeted English Learners include Step Up to Writing, Marzano Vocabulary Development, Guided Reading, Problem Solving and Test Taking Strategies. SDAIE strategies were included in every lesson that was modeled. Teachers were also able to go to conferences and workshops with the funding that QEIA provided.

In addition to professional development, several interventions for English Learners were co-funded using QEIA monies. This includes WELD or the Workshop for English Language Development that takes place three days a week for one hour a day after school. Although part of the funding comes from Title III, this is supplemented with QEIA funds. This year we hope to expand the program and have more than one class in the first grade where the need is greatest.

As previously mentioned, McKinna English Learners made Safe Harbor on the CST in English Language Arts. This is the first time that any significant sub group has made Safe Harbor in Language Arts, and ELs comprise over 70% of the McKinna student body. All significant sub groups made progress with SED going from 28.7% proficient to 32.1% proficient or above;
Hispanic or Latino going from 30% proficient to 31.5% proficient or above and the schoolwide growth in ELA went from 30.6% to 32.4% proficient or above. This year, we will continue to work with our English Learners as stated above, but we will also target students who are proficient in English as our data indicates that they need the additional help. One way that this could be accomplished is by offering the same type of intervention that is being offered to our ELs: targeted instruction in ELA after school. This intervention would be supported by QEIA funds.

Another way that we used our funding was to purchase technology. QEIA funds were used to purchase projectors for interactive whiteboards, iPods, and iPads on portable carts. Other districts similar to ours have used the iRead program that utilizes iPod Touch devices to increase student reading fluency and comprehension. McKinna piloted this program in second grade last year with great success, and it is being expanded to other grade levels this year. We will also use applications on iPods and iPads to improve basic skills in math and language arts. QEIA funds were also used to purchase books with coordinating CDs that can be checked out in the library for students who do not have anyone at home to read to them. The equipment that we have purchased has also allowed us to access programs and websites that are key to providing the background knowledge necessary to make subject matter meaningful for our students.

Finally, we are addressing science this year in a different way and hope that this will result in a higher API score. Because of the federal emphasis on math and language arts and the mandated amounts of time that we must spend in each of those subjects, science has not been emphasized. This year, we are teaching ELD using the science curriculum in upper grades. This is a sound approach as our science adoption correlates the content and language standards. We are looking at the state standards and creating a list of Power Standards and pacing guides that will insure that the most heavily tested standards are mastered. We feel that this will result in an increase in achievement in this area.

With the current budget crisis in California resulting in drastic cuts to public education, the perfect storm has been created that will negatively affect the most vulnerable students like those at McKinna. We have been able to weather that storm due to the funds provided by QEIA. We are asking that you look at the progress that we have made and consider that, although we did not make necessary gains in the API, we have made substantial gains in both math and language arts. With the continued support of QEIA funding, we know that our students will continue to make the necessary gains, and we will exit Program Improvement.
Local Educational Agency Request:

Stockton Unified School District (USD) is located in urban San Joaquin County and has a student population of approximately 38,252 students. Roosevelt Elementary School (ES) serves 466 students in kindergarten and grades one through eight. Academic Performance Index (API) data for Roosevelt ES shows that the school did not exceed the three-year average growth requirement of the Quality Education Investment Act (QEIA). Roosevelt ES’s three-year growth average target is 10.7, but its three-year growth average is only 0.3.

Stockton USD states that in the last two years its goal was to emphasize early literacy, foundational math skills, and acquiring academic English for the unique population at Roosevelt ES. The district states this approach had an effect on kindergarten and grades one through four; however the high level skills were not reached by the students in grades five through eight. The district states that in school year 2010–11 there were ten new teachers at Roosevelt ES and none of the seventh or eighth grade teachers possessed a single subject credential.

Stockton USD requests a waiver of the QEIA API three-year average growth requirement for Roosevelt ES for the 2010–11 school year.

Additional Local Education Agency and School Information for Consideration:

<table>
<thead>
<tr>
<th>School Locale Code</th>
<th>11*</th>
</tr>
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<tbody>
<tr>
<td>LEA Average Daily Attendance (ADA)</td>
<td>38,252</td>
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<tr>
<td>School ADA</td>
<td>466</td>
</tr>
<tr>
<td>Grade Span</td>
<td>K–8</td>
</tr>
<tr>
<td>2008–09 API</td>
<td>578</td>
</tr>
<tr>
<td>2009–10 API</td>
<td>578</td>
</tr>
<tr>
<td>2010–11 API</td>
<td>592</td>
</tr>
<tr>
<td>3 Year API Target Average</td>
<td>10.7</td>
</tr>
<tr>
<td>3 Year API Growth Average</td>
<td>0.3</td>
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<td>Made API Growth?</td>
<td>No</td>
</tr>
<tr>
<td>Made AYP?</td>
<td>No</td>
</tr>
</tbody>
</table>

*City Large: Territory inside an urbanized area and inside a principal city with population of 250,000 or more.
California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils within the meaning of California Education Code Section 33051(a)(1).

Specifically, (1) QEIA funding is expected to result in increased academic achievement over time and Roosevelt ES has not demonstrated the required growth; (2) the LEA has not explained why two grades were staffed with teachers who were not adequately prepared to teach the subjects, or the steps they took to address student achievement below expectations for grades five through eight; and (3) QEIA program requirements were known to the district prior to its decision to apply for program participation.

Reviewed by Roosevelt Elementary Schoolsite Council on September 12, 2011.

Supported by Stockton Teacher’s Association, October 4, 2011. No position by California School Employee Association Local 821, November 22, 2011.

Local Board Approval: December 13, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to: Waiver Office, California Department of Education 1430 N Street, Suite 5602 Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

Local educational agency: Stockton Unified School District

Contact name and Title: Dan Wright: Assistant Superintendent, Elementary Education

Contact person’s e-mail address: dwright@stockton.k12.ca.us

Address: 701 North Madison, Stockton, CA 95202

Phone (and extension, if necessary): 209-933-7040 ext 2722
Fax Number: 209-466-6786

Period of request: (month/day/year) From: 07/01/2011 To: 06/30/2012

Local board approval date: (Required) 12/13/2011

Date of public hearing: (Required) 12/13/2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Education Code 52055.740(a)(5) Circle One: EC or CCR

Topic of the waiver: QEIA Academic Performance Index

2. If this is a renewal of a previously approved waiver, please list Waiver Number: Not a Renewal and date of SBE Approval. Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): STA: 10/4/11, CSEA: (821) 11/22/11

Name of bargaining unit and representative(s) consulted: Stockton Teacher’s Association Executive Board, Jayme Merritt: Director; presented to California School Employee Association Local 821, President Claudia Moreno

The position(s) of the bargaining unit(s): _X_ Neutral _X_ Support __ Oppose (Please specify why)

Comments (if appropriate): The Stockton Teachers Association Executive Board submitted a statement of support on 10/4/2011. CSEA (821) did not respond to a request for a statement of position.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised? The public hearing was posted at the Stockton Unified School District’s Office on December 9, 2011 and set as a board agenda item for December 13, 2011.

X Notice in a newspaper Notice posted at each school X Other: (District Website)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Roosevelt School Site Council

Date the committee/council reviewed the waiver request: Monday, September 12, 2011

Were there any objection(s)? No X Yes (If there were objections please specify)

CD CODE

6 0 4 2 7 5 8
### CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

GW-1 (10-2-09)

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6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

   Education Code 52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
   (5) Exceed the API growth target for the school averaged over the first three full years of funding. Beginning in the fifth year of participation, funded schools shall meet their annual API growth targets.

---

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   In the last two years our goal was to emphasize early literacy, foundational math skills, and acquiring academic English for the unique population at Roosevelt. This approach had an effect on grades K-4 and the CST results confirmed that. The higher level skills were not reached by the students in grades 5-8 for many factors. (see attached pages) The fourth grade students who scored 30.7% proficient and above in ELA and 50% proficient and above on the STAR test are now ready for the higher cognitive skills needed to be successful in fifth grade. Each subsequent year they will be prepared to succeed if this pattern continues. Smaller class size and the mandated (minimum 40 hrs) staff development and collaboration were the most significant factors and can only be accomplished with specific funding.

   Roosevelt is committed to make a minimum growth of 20% using baseline data from the 2010/2011 CST ELA and Mathematics (AYP) report. The numbers of students needed to move to Proficient or Advanced in order to reach the Year One, Two and Three SMART Goal for all students and subgroups that include: EL/RFEP, SWD and SED have been calculated and attached to this report (See Roosevelt Growth projections). This is a commitment toward a three year goal to establish consistent student advancement that will henceforth become the academic culture of Roosevelt. To support commitment to the growth model, SAIT approved observation, data analysis, and grade level-planning protocols will be utilized as evidence of teacher and administrator monitoring in guaranteeing delivery of a viable curriculum, response to intervention, movement in and out of intervention and challenge programs; decrease turnover in teacher and administration staff; increase in on-site and after school professional development, thus limiting teacher time away from students.

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8. Demographic Information:

   Roosevelt K-8 School has a student population of 466 (73% Hispanic/Latino) and is located in an urban area in San Joaquin County.

   Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No ☒ Yes ☐

   (If yes, please attach explanation or copy of audit finding)

   **Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐

   (If yes, please attach explanation or copy of CPM finding)

   **District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

   **Signature of Superintendent or Designee:**
   **Title:**
   **Date:**

---

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

**Staff Name (type or print):**
**Staff Signature:**
**Date:**

**Unit Manager (type or print):**
**Unit Manager Signature:**
**Date:**

**Division Director (type or print):**
**Division Director Signature:**
**Date:**

**Deputy (type or print):**
**Deputy Signature:**
**Date:**
### Rationale and analysis of data for box 7

<table>
<thead>
<tr>
<th>Year</th>
<th>Number Tested</th>
<th>API</th>
<th>Growth</th>
<th>ELA Prof/Adv</th>
<th>Math Prof/Adv</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>418</td>
<td>440</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>2000</td>
<td>417</td>
<td>465</td>
<td>25</td>
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<tr>
<td>2001</td>
<td>423</td>
<td>520</td>
<td>55</td>
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<tr>
<td>2002</td>
<td>461</td>
<td>548</td>
<td>28</td>
<td>9.8%</td>
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<tr>
<td>2003</td>
<td>486</td>
<td>596</td>
<td>48</td>
<td>16.4%</td>
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</tr>
<tr>
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<td>450</td>
<td>623</td>
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<td>19.3%</td>
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<td>462</td>
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<td>20.3%</td>
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<tr>
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<td>576</td>
<td>-17</td>
<td>20.1%</td>
<td>22.7%</td>
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<tr>
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<td>325</td>
<td>578</td>
<td>2</td>
<td>22.9%</td>
<td>25.0%</td>
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<tr>
<td>2011</td>
<td>336</td>
<td>592</td>
<td>14</td>
<td>22.5%</td>
<td>28.6%</td>
</tr>
</tbody>
</table>

This bulleted list is a chronological timeline of factors effecting Roosevelt K-8 School’s API positively and negatively since API was first calculated:

- **1998-1999**: The first year of API Roosevelt’s Score was 440
- **1999-2000**: API = 465 up 25 points
- **2000-2001**: API = 520 up 55 points
- **2001-2002**: API= 548 up 28 points. School wrote the Comprehensive School Reform Demonstration (CSRD) and chose Action Learning Systems for their partnership.
- **2002-2003—2004-2005**: Roosevelt’s API grew to 639 points (A 199 point growth from 1999)
- **2005-2006**: The district reconfigured to add 7th grade making the school PreK-7. The reconfiguration process redefined the boundaries sending 336 students to Henry school and added 380+ students new to Roosevelt. This moved the Strategy focused approach of the prior three years to move to the implementation stage. The API dropped 34 points to 618. Five teachers transferred and three retired.
- **2006-2007**: The school/district reconfigured to add 8th grade students making the school PreK-8. The API dropped 34 points to 584. The principal of 18 years retired. For the first time since 1997 the AP position was only half time and the AP in that position retired In February. The principal took a leave of absence in February before and after the passing of her mother. This left substitutes in both Administrative positions.
- **2007-2008**: Year 1 of QEIA. A new Principal new to Elementary grades at the administration level took over. There was a 9 point gain to 593. Four second year teachers were not offered probationary contracts and four teachers transferred
- **2008-2009**: Year 2 of QEIA. Success for All (SFA) was implemented in November. The curriculum did not support the academic needs that Roosevelt students required; specifically addressing AYP/API requirements of providing academic support to move students’ one performance band ahead toward meeting or exceeding State levels of proficiency. A new Math Curriculum was adopted K-8. The API dropped 17 points to 576. Seven second year teachers were not offered Probationary contracts and three teachers transferred.
• **2009-2010:** Year 3 of QEIA. A new principal from out of state opened the school; with two days to set up. There were eleven new teachers on staff. A new ELA Curriculum was adopted for K-6. The API grew 2 points to 578. There were eleven teachers who received their RIF notices in March leaving subs to administer their STAR test to attend RIF hearings.

• **2010-2011:** Year 4 of QEIA. For this school year Roosevelt needed to make a 43 point API gain to 621 to keep its QEIA funding. There were ten new teachers to begin the school year. There were only three teachers out of nine teaching at the same grade level in grades 5-8. None of the 7th and 8th grade teachers possessed a single subject credential. In the district rankings grades 5-8 were last in both ELA and Math in each grade level. Grades 2-4 made subsequent gains and ranked in the upper third in math and ELA district rankings. The API grew 14 points to 592 and met all significant subgroup targets. Roosevelt also met Safe Harbor in all significant subgroups for AYP.

### ROOSEVELT 20% GROWTH PROJECTIONS

#### Percent of School's Students Scoring Proficient or Advanced on the ELA CST (AYP Report):

<table>
<thead>
<tr>
<th>SMART GOAL YEAR</th>
<th>DATES</th>
<th>ALL</th>
<th>EL/RFEP</th>
<th>SWD</th>
<th>SED</th>
<th>ALL</th>
<th>EL/RFEP</th>
<th>SWD</th>
<th>SED</th>
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<tr>
<td>2010/2011</td>
<td></td>
<td>23</td>
<td>23</td>
<td>10</td>
<td>23</td>
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<td>34</td>
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</tr>
<tr>
<td>1 2011/2012</td>
<td></td>
<td>43</td>
<td>43</td>
<td>30</td>
<td>43</td>
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<td>54</td>
<td>28</td>
<td>49</td>
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<tr>
<td>2 2012/2013</td>
<td></td>
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<td>89</td>
<td>94</td>
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</table>

#### Number of School's Students Scoring Proficient or Advanced on the ELA CST (AYP Report):

<table>
<thead>
<tr>
<th>SMART GOAL YEAR</th>
<th>DATES</th>
<th>ALL</th>
<th>EL/RFEP</th>
<th>SWD</th>
<th>SED</th>
<th>ALL</th>
<th>EL/RFEP</th>
<th>SWD</th>
<th>SED</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010/2011</td>
<td></td>
<td>73</td>
<td>43</td>
<td>4</td>
<td>73</td>
<td>93</td>
<td>63</td>
<td>3</td>
<td>93</td>
</tr>
<tr>
<td>1 2011/2012</td>
<td></td>
<td>140</td>
<td>80</td>
<td>12</td>
<td>140</td>
<td>159</td>
<td>101</td>
<td>11</td>
<td>159</td>
</tr>
<tr>
<td>2 2012/2013</td>
<td></td>
<td>205</td>
<td>118</td>
<td>20</td>
<td>205</td>
<td>224</td>
<td>138</td>
<td>19</td>
<td>224</td>
</tr>
<tr>
<td>3 2013/2014</td>
<td></td>
<td>270</td>
<td>155</td>
<td>28</td>
<td>270</td>
<td>289</td>
<td>176</td>
<td>27</td>
<td>289</td>
</tr>
</tbody>
</table>

#### Valid ELA Scores in 2011

<table>
<thead>
<tr>
<th></th>
<th>ALL</th>
<th>EL</th>
<th>SWD</th>
<th>SED</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALL</td>
<td>325</td>
<td>187</td>
<td>40</td>
<td>325</td>
</tr>
</tbody>
</table>

ELA IMPROVEMENT GOAL % 20

#### Valid Mathematics Scores in 2011

<table>
<thead>
<tr>
<th></th>
<th>ALL</th>
<th>EL</th>
<th>SWD</th>
<th>SED</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALL</td>
<td>325</td>
<td>187</td>
<td>40</td>
<td>325</td>
</tr>
</tbody>
</table>

MATH IMPROVEMENT GOAL % 20
NOTE for English Language Arts, Spring 2012:
- 10 more students in each grade level would need to move to proficient in order to reach the goal for “All” students.
- 5 more students in each grade level would need to move to proficient in order to reach the goal for the “EL” students.
- 1 more student in each grade level would need to move to proficient in order to reach the goal for the “SWD” students.
- 9 more students in each grade level would need to move to proficient in order to reach the goal for the “SED” students.

NOTE for Mathematics, spring 2012:
- 9 more students in each grade level would need to move to proficient in order to reach the goal for “All” students.
- 5 more students in each grade level would need to move to proficient in order to reach the goal for the “EL” students.
- 1 more student in each grade level would need to move to proficient in order to reach the goal for the “SWD” students.
- 9 more students in each grade level would need to move to proficient in order to reach the goal for the “SED” students.
Waiver Number: 44-12-2011  
Period of Request: July 1, 2011, to June 30, 2012

Van Buren Elementary School  
Stockton Unified School District

Local Educational Agency Request:

Stockton Unified School District (USD) is located in urban San Joaquin County and has a student population of approximately 38,252 students. Van Buren Elementary School (ES) serves 613 students in kindergarten and grades one through eight. Academic Performance Index (API) data for Van Buren ES shows that the school did not exceed the three-year average growth requirement of the Quality Education Investment Act (QEIA). Van Buren ES’s three-year growth average target is 7.3, but its three-year growth average is negative 2.3.

Stockton USD states that it was unable to meet the QEIA API growth requirement due to the high level of teacher turnover during the first three years of QEIA implementation as a result of teacher layoffs. The district states that literacy and numeracy coaches were replaced by new coaches in each of the three years of implementation and the result of this repeated turnover of staff affected the implementation of professional development and hindered the development of a consistent school wide culture of collaboration and common purpose.

Stockton USD requests a waiver of the QEIA API three-year average growth requirement for Van Buren ES for the 2010–11 school year.

Additional Local Educational Agency and School Information for Consideration:

<table>
<thead>
<tr>
<th>School Locale Code</th>
<th>11*</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEA Average Daily Attendance (ADA)</td>
<td>38,252</td>
</tr>
<tr>
<td>School ADA</td>
<td>613</td>
</tr>
<tr>
<td>Grade Span</td>
<td>K–8</td>
</tr>
<tr>
<td>2008–09 API</td>
<td>654</td>
</tr>
<tr>
<td>2009–10 API</td>
<td>645</td>
</tr>
<tr>
<td>2010–11 API</td>
<td>654</td>
</tr>
<tr>
<td>3 Year API Target Average</td>
<td>7.3</td>
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<tr>
<td>3 Year API Growth Average</td>
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<tr>
<td>Made API Growth?</td>
<td>No</td>
</tr>
<tr>
<td>Made AYP?</td>
<td>No</td>
</tr>
</tbody>
</table>

*City Large: Territory inside an urbanized area and inside a principal city with population of 250,000 or more.
California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils within the meaning of California Education Code Section 33051(a)(1).

Specifically, (1) QEIA funding is expected to result in increased academic achievement over time and Van Buren ES has not demonstrated the required growth; (2) the LEA has not explained the steps it took to counter the necessary staffing reductions and support the school leadership in maintaining student academic achievement; and (3) QEIA program requirements were known to the district prior to its decision to apply for program participation.


Supported by Stockton Teacher’s Association, October 4, 2011. No position by California School Employee Association Local 821, November 22, 2011.

Local Board Approval: December 13, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: __X__ Renewal Waiver: ____

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

CALIFORNIA DEPARTMENT OF EDUCATION

LOCAL EDUCATIONAL AGENCY:
Stockton Unified School District

CONTACT NAME AND TITLE:
Dan Wright, Assistant Superintendent of Elementary Education

CONTACT PERSON'S E-MAIL ADDRESS:
dwright@stockton.k12.ca.us

ADDRESS:                                         (City) (State) (ZIP)
Stockton Unified School District 701 Madison Stockton CA 95202

PHONE (AND EXTENSION, IF NEEDED): 209-933-7040 x 2722
FAX NUMBER: 209-469-3681

PERIOD OF REQUEST: (MONTH/DAY/YEAR)
From: 7/1/10 To: 6/30/11

LOCAL BOARD APPROVAL DATE: (REQUIRED)
12/13/2011

DATE OF PUBLIC HEARING: (REQUIRED)

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Education Code 52055.740 Circle One: __EC__ or __CCR__

Topic of the waiver: Extension of QEIA Support for 2012/2013

2. If this is a renewal of a previously approved waiver, please list Waiver Number: First Time Waiver and date of SBE Approval ______ Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No __X Yes _ If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): Stockton Teachers Association (STA) 10/04/11
California School Employees Association (CSCA) 11/08/11
Student Pupil Personnel Association (SPPA) 11/08/11

Name of bargaining unit and representative(s) consulted: Stockton Teachers Association Executive Board, Jayme Merritt: Director; presented to California School Employee Association and Student Pupil Personnel Association on 11/08/11.

The position(s) of the bargaining unit(s): __ Neutral __X Support __ Oppose (Please specify why)

Comments (if appropriate): The bargaining units' members listed above unanimously agreed in separate meetings to support this waiver.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?
___ Notice in a newspaper __X_ Notice posted at each school __X_ Other: (Please specify) Connect Education phone call, on 12/12/11 District Board Agenda Item was posted on 12/9/11at the district office and on the district web page and Board Agenda Item was approved on 12/13/11.

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Van Buren Elementary School Site Council/ELAC Committee.

Date the committee/council reviewed the waiver request: 9/16/11

Were there any objection(s)? No __X Yes ___ (If there were objections please specify) The Van Buren Elementary School Site Council/ELAC committee provided in-put and support for the waiver on 9/16/11.
**6. Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key). Education Code 52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

<table>
<thead>
<tr>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(5) Exceed the API growth target for the school averaged over the first three full years of funding. Beginning in the fifth year of participation, funded schools shall meet their annual API growth targets.</td>
</tr>
</tbody>
</table>

**7. Desired outcome/rationale.** Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

- Van Buren Elementary School in Stockton Unified School District is requesting a waiver of the API requirement for the first three years of QEIA implementation (2008/2009 through 2013/2014 school years) due to the high level of teacher turnover during the first three years of QEIA implementation.
- There are 11 out of 31 classroom teachers who were at Van Buren all three years of QEIA implementation. (See attached Teacher Experience Index (TEI) Monitoring Reports from 2008/2009, 2009/2010, and 2010/2011 school years)
- In the 2008/2009 school year 11 out of 27 classroom teachers were new to Van Buren. (See attached TEI report for 2008/2009.)
- In the 2009/2010 school year 8 out of 31 classroom teachers were new to Van Buren. (See attached TEI report for 2009/2010.)
- In the 2010/2011 school year 17 out of 31 classroom teachers were new to Van Buren. (See attached TEI report for 2010/2011.)
- The 2010/2011 school year started with 7 substitute teachers in classrooms and the last position was filled in February 2011 and the Numeracy coach started in December 2010.
- The 2009/2011 school year started with 5 substitute teachers and the positions were not filled until 4 weeks into the school year.
- In the 2008/2009 school year the Principal was replaced in May (See attached administration professional development monitoring form for the 2009/2010 and 2010/2011 school years.)
- Three bilingual aides replaced 4 bilingual aides in the 2010/2011 school year. (See attached paraprofessional professional development monitoring form for the 2009/2010 and 2010/2011 school years.)
- In the 2009/2010 school the Assistant Principal was new to the site. (See attached administration professional development monitoring form for the 2008/2009 and 2009/2010 school years.)
- The Literacy and Numeracy coaches were replaced by new coaches in each of the first three years of implementation.
  - In the 2008/2009 school year Sean Greene and Craig Brauer were the Numeracy Specialist and Sharon Greene (Sept. start date) was the Literacy Specialist.
  - In the 2009/2010 school year Art Mosqueda was the Numeracy Specialist and Debra Bohnett was the Literacy Specialist.
  - In the 2010/2011 school year Lisa Ward (Dec. start date) was the Numeracy Specialist and Kim Stone was the Literacy Specialist.
- The result of this repeated turnover of staff has affected the implementation of professional development and hindered the development of a consistent school wide culture of collaboration and common purpose. The continuing QEIA Grant funding will support Van Buren’s comment to make a minimum growth of 20% using baseline data from the 2010/2011 CST ELA and Mathematics (AYP) report and to increase their API by a minimum of 16 points.
  - The QEIA funds will continue to provide the required professional development to support high quality classroom instruction.
  - The QEIA funds will provide for substitutes to release teachers for professional development and collaboration time to support the PLC environment at Van Buren.
  - The QEIA grant will fund support staff including the Literacy and Numeracy Specialists who provide on-site support to teachers in the effective implementation of the core curriculum.
8. Demographic Information:
Stockton Unified School District, Van Buren Elementary School has a student population of 613 and is located in an urban environment in San Joaquin County. The population is designated 98% SED, 58% Hispanic, 18% African American, and 54% English Language Learners

<table>
<thead>
<tr>
<th><strong>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</strong></th>
<th>No ☐ Yes ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>(If yes, please attach explanation or copy of audit finding)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</strong></th>
<th>No ☐ Yes ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>(If yes, please attach explanation or copy of CPM finding)</td>
<td></td>
</tr>
</tbody>
</table>

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
</tr>
</thead>
</table>

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

<table>
<thead>
<tr>
<th>Staff Name (type or print):</th>
<th>Staff Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Unit Manager (type or print):</th>
<th>Unit Manager Signature:</th>
<th>Date:</th>
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<table>
<thead>
<tr>
<th>Division Director (type or print):</th>
<th>Division Director Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>

| Deputy (type or print): | Deputy Signature: | Date: |
Local Educational Agency Request:

Stockton Unified School District (USD) is located in urban San Joaquin County and has a student population of approximately 38,252 students. Grunsky Elementary School (ES) serves 500 students in kindergarten and grades one through eight. Academic Performance Index (API) data for Grunsky ES shows that the school did not exceed the three-year average growth requirement of the Quality Education Investment Act (QEIA). Grunsky ES’s three-year growth average target is 5.0, but its three-year growth average is only 1.3.

Stockton USD states that at the time the API base was established, Grunsky ES did not have two Special Day Classes in several grades. The district states the addition of these Special Day Classes significantly changed the school demographics and severely impacted the API. The district states that the staff at Grunsky ES has been consistent in their efforts to improve academic achievement and develop as professional educators.

Stockton USD requests a waiver of the QEIA API three-year average growth requirement for Grunsky ES for the 2010–11 school year.

Additional Local Educational Agency and School Information for Consideration:

<table>
<thead>
<tr>
<th>School Locale Code</th>
<th>11*</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEA Average Daily Attendance (ADA)</td>
<td>38,252</td>
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<tr>
<td>School ADA</td>
<td>500</td>
</tr>
<tr>
<td>Grade Span</td>
<td>K–8</td>
</tr>
<tr>
<td>2008–09 API</td>
<td>710</td>
</tr>
<tr>
<td>2009–10 API</td>
<td>704</td>
</tr>
<tr>
<td>2010–11 API</td>
<td>715</td>
</tr>
<tr>
<td>3 Year API Target Average</td>
<td>5.0</td>
</tr>
<tr>
<td>3 Year API Growth Average</td>
<td>1.3</td>
</tr>
<tr>
<td>Made API Growth?</td>
<td>No</td>
</tr>
<tr>
<td>Made AYP?</td>
<td>No</td>
</tr>
</tbody>
</table>

*City Large: Territory inside an urbanized area and inside a principal city with population of 250,000 or more.
California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils within the meaning of California Education Code Section 33051(a)(1).

Specifically, (1) QEIA funding is expected to result in increased academic achievement over time and Grunsky ES has not demonstrated the required growth; and (2) QEIA program requirements were known to the district prior to its decision to apply for program participation.


Supported by Stockton Teacher’s Association, October 4, 2011. No position by California School Employee Association Local 821, November 22, 2011.

Local Board Approval: December 13, 2011.
## CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)  
http://www.cde.ca.gov/re/lr/wr/

**First Time Waiver:**  X  
**Renewal Waiver:**  

Send Original plus one copy to: 
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

### CD CODE

| 6 | 0 | 4 | 2 | 6 | 0 | 0 |

<table>
<thead>
<tr>
<th>Local educational agency: Stockton Unified School District for Grunsky Elementary School</th>
<th>Contact name and Title: Daniel Wright, Assistant Superintendent Elementary Education</th>
<th>Contact person’s e-mail address: <a href="mailto:dwright@stockton.k12.ca.us">dwright@stockton.k12.ca.us</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Address: 701 Madison Stockton, Ca. 95202</td>
<td>Phone (and extension, if necessary): (209) 933-7040 (Ex. 2722)</td>
<td>Fax Number: (209) 469-3681</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Period of request: (month/day/year)</th>
<th>Local board approval date: (Required)</th>
<th>Date of public hearing: (Required)</th>
</tr>
</thead>
</table>

### LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: **EC** or **CCR**

   **Topic of the waiver:** QEIA Academic Performance Index (API)

2. If this is a renewal of a previously approved waiver, please list Waiver Number: not a renewal  and date of SBE Approval Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  _X_ Yes  _No_  If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):** STA: 10/4/11, CSEA: (821) 11/8/11, SPPA: 11/8/11

   Name of bargaining unit and representative(s) consulted: Stockton Teacher’s Association Executive Board, Jayme Merritt: Director; presented to California School Employee Association Local 821 and Student Pupil Personnel Association on 11/8/11

   The position(s) of the bargaining unit(s):  _X_ Support  __ Oppose (Please specify why)

   **Comments (if appropriate):** The Stockton Teachers Association Executive Board submitted a statement of support on 10/4/2011

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised? The public notice was posted at the Stockton Unified School District’s Office on 12/5/2011 and set as an agenda item on 12/8/2011.

   _X_ Notice in a newspaper   ___ Notice posted at each school   ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   **Date the committee/council reviewed the waiver request:** Grunsky School Site Council, September 21, 2011

   **Were there any objection(s)?**  _No_  _X_ Yes  (If there were objections please specify)
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

Education Code 52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(5) Exceed the API growth target for the school averaged over the first three full years of funding. Beginning in the fifth year of participation, funded schools shall meet their annual API growth targets.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Grunsky Elementary is requesting a waiver of Education Code 525055.740. (5) Exceed the (QEIA) API growth target for the school over the first three (3) full years of funding.

Under the QEIA API target mandate, Grunsky did not exceed the three (3) year goal of 727 for the 2010-2011 school year. The goal of 727 was set on an API base established in the 2008 school year at 711. In Grunsky’s case, the school needed to gain 5 API points yearly and 1 additional point to exceed the 2010 -2011 goal of 727.

The reason for the waiver request is that at the time the API base was established in 2008, at 711 Grunsky Elementary did not have two Special Day Classes in grades 4th – 6th and 7th – 8th. The addition of these Special Day Classes significantly changed the school demographics and severely impacted the API.

Of the 27 Special Day Class students who had scores in ELA, 22 were in the Far Below Basic Quintile, 3 were in the Below Basic Quintile, and 2 in the Basic Quintile during the 2010-2011 school year.

Of the 26 Special Day Class students who had scores in Math, 18 were in the Far below Basic Quintile and 8 were in the Below Basic Quintile. 9 of these students were 8th graders and all took the General Math Assessment.

The scores of all these Special Day Students were calculated in the total number of 399 students who were tested during the 2010-2011 school year.

Recalculating the API 2010-2011 score without the Special Day Classes would have resulted in a 744 API for the 2010-2011 school year. (See attachment A).

The Grunsky Elementary Staff has been consistent in their efforts to improve student achievement and develop as professional educators as evidenced by the steady API growth in 2006 from 637 to the current 715 API which included all significant subgroups meeting their API targets.

In light of the progress Grunsky Elementary has made it would be detrimental to all students at Grunsky to terminate QEIA funding since Grunsky’s current demographic is dramatically different than when the base was established in 2008.

Grunsky is well aware that in 2011-2012 the API target will be 732 but the entire staff is ready to meet the challenge. To support its continued commitment to meet all the QEIA requirements, Grunsky will use QEIA funding to continue class size reduction in all grade levels, meet once a week to collaborate in grade level professional learning communities to analyze data and make informed decisions about instruction and continue to provide after school intervention tutoring based on student need.

8. Demographic Information:
Lottie Grunsky Elementary is a K-8 School has a student population of 500 and is located in an urban area in San Joaquin County. Grunsky is a Title 1 school and 97% of the students receive free or reduced lunch. Approximately 40% of Grunsky students are English Learners.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  No X Yes □
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes □
(If yes, please attach explanation or copy of CPM finding)
**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
</tr>
</thead>
</table>

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

<table>
<thead>
<tr>
<th>Staff Name (type or print):</th>
<th>Staff Signature:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit Manager (type or print):</td>
<td>Unit Manager Signature:</td>
<td>Date:</td>
</tr>
<tr>
<td>Division Director (type or print):</td>
<td>Division Director Signature:</td>
<td>Date:</td>
</tr>
<tr>
<td>Deputy (type or print):</td>
<td>Deputy Signature:</td>
<td>Date:</td>
</tr>
</tbody>
</table>
Of the 26 Special Day Class students who had scores in Math, 18 were in the Far below Basic Quintile and 8 were in the Below Basic Quintile. 9 of these students were 8th graders and all took the General Math Assessment.

The scores of all these Special Day Students were calculated in the total number of 399 students who were tested during the 2010-2011 school year.

Recalculating the API 2010-2011 score without the Special Day Classes would have resulted in a 744 API for the 2010-2011 school year. (See attachment B).

The Grunsky Elementary Staff has been consistent in their efforts to improve student achievement and develop as professional educators as evidenced by the steady API growth in 2006 from 637 to the current 715 API which included all significant subgroups meeting their API targets.

In light of the progress Grunsky Elementary has made it would be detrimental to all students at Grunsky to terminate QEIA funding since Grunsky’s current demographic is dramatically different than when the base was established in 2008.

Grunsky is well aware that in 2011-2012 the API target will be 732 but the entire staff is ready to meet the challenge.
<table>
<thead>
<tr>
<th>Year Growth</th>
<th>API Growth</th>
<th>Old Base/New Base</th>
<th>Old Target/New Target</th>
<th>API Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>715</td>
<td>704/</td>
<td>5/</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>704</td>
<td>710/704</td>
<td>5/5</td>
<td>709</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td>710</td>
<td>711/710</td>
<td>5/5</td>
<td>715</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>707</td>
<td>702/711</td>
<td>5/5</td>
<td>716</td>
</tr>
<tr>
<td>+5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td>700</td>
<td>635/702</td>
<td>8/5</td>
<td>707</td>
</tr>
<tr>
<td>+65</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>637</td>
<td>639/635</td>
<td>8/8</td>
<td>643</td>
</tr>
<tr>
<td>2005</td>
<td>/639</td>
<td>/8</td>
<td></td>
<td>647</td>
</tr>
</tbody>
</table>
Waiver Number: 47-12-2011  Period of Request: July 1, 2011, to September 30, 2012
Monroe Elementary School
Stockton Unified School District

Local Educational Agency Request:

Stockton Unified School District (USD) is located in urban San Joaquin County and has a student population of approximately 38,252 students. Monroe Elementary School (ES) serves 497 students in kindergarten and grades one through eight. Academic Performance Index (API) data for Monroe ES shows that the school did not exceed the three-year average growth requirement of the Quality Education Investment Act (QEIA). Monroe ES’s three-year growth average target is 6.7, but its three-year growth average is only 4.0.

Stockton USD states that in year two of the QEIA program, Monroe ES underwent an entire change in leadership along with support positions. The changes included a new principal, literacy coach, numeracy coach, and counselor. The district states that an assistant principal and two resource teachers were eliminated and major leadership and support staff restructuring has occurred to provide the necessary services for students and teachers.

Stockton USD requests a waiver of the QEIA API three-year average growth requirement for Monroe ES for the 2010–11 school year.

Additional Local Educational Agency and School Information for Consideration:

<table>
<thead>
<tr>
<th>School Locale Code</th>
<th>21*</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEA Average Daily Attendance (ADA)</td>
<td>38,252</td>
</tr>
<tr>
<td>School ADA</td>
<td>497</td>
</tr>
<tr>
<td>Grade Span</td>
<td>K–8</td>
</tr>
<tr>
<td>2008–09 API</td>
<td>675</td>
</tr>
<tr>
<td>2009–10 API</td>
<td>670</td>
</tr>
<tr>
<td>2010–11 API</td>
<td>680</td>
</tr>
<tr>
<td>3 Year API Target Average</td>
<td>6.7</td>
</tr>
<tr>
<td>3 Year API Growth Average</td>
<td>4.0</td>
</tr>
<tr>
<td>Made API Growth?</td>
<td>No</td>
</tr>
<tr>
<td>Made AYP?</td>
<td>No</td>
</tr>
</tbody>
</table>

*Suburb Large: Territory outside a principal city and inside an urbanized area with population of 250,000 or more.
California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils within the meaning of California Education Code Section 33051(a)(1).

Specifically, (1) QEIA funding is expected to result in increased academic achievement over time and Monroe ES has not demonstrated the required growth; (2) the LEA has not demonstrated steps it took to support leadership to ensure that changes described would not negatively impact student academic achievement; and (3) QEIA program requirements were known to the district prior to its decision to apply for program participation.


Supported by Stockton Teacher’s Association, October 4, 2011. No position by California School Employee Association Local 821, November 8, 2011.

Local Board Approval: December 13, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X___
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency: Stockton School District Unified
Contact name and Title: Dan Wright
Contact person’s e-mail address: dwright@stockton.k12.ca.us

Address: 701 North Madison St. Stockton
(City) CA (State) 95202 (ZIP)

Phone (and extension, if necessary): 209/933-7040 ext: 2722
Fax Number: 209-466-6786

Period of request: (month/day/year) From: 7/1/11 To: 9/30/12
Local board approval date: (Required) 12-8-11
Date of public hearing: (Required) 10/13/11

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 52055.740
Circle One: EC or CCR

Topic of the waiver: QEIA Academic Performance Index (API)

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): California School Employees Association 11-8-11, Stockton Teachers Association 10-4-11 issued support of the waiver

Name of bargaining unit and representative(s) consulted:

The position(s) of the bargaining unit(s): __ Neutral __ Support __ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised? 12-5-11 at the District Office

___ Notice in a newspaper ___ Notice posted at each school ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: School Site Council 9-19-11

Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

Education Code 52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(5) Exceed the API growth target for the school averaged over the first three full years of funding. Beginning in the fifth year of participation, funded schools shall meet their annual API growth targets.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

James Monroe is requesting a waiver education Code 52055.740.(5) Exceed the QEIA API growth target for the over the first three (3) full years of funding.

Under the QEIA API target mandate Monroe did not exceed the three year goal of 689 for the 2010-2011 school year. The goal of 689 was set on an API base established in the 2008 school year at 675. In Monroe’s case the school missed the mark by 1 in 2008-2009 and year two (2009/2010) Monroe expected growth was six points and went down 5 points, for the 2010/2011 school year Monroe’s target was 20 points. Monroe grew 11 points to 680 missing the cumulative target by 9 points.

The reason for the waiver request is that during year two Monroe under went an entire change in leadership along with support positions that were no longer available to the site. The changes included: a new principal, new literacy coach, new numeracy coach, new counselor. Losses included assistant principal, and two resource teachers. Monroe has gone through major leadership and support staff restructuring to provide the necessary services for our students and teachers. Two major English Language Arts program adoptions were implemented during the first two years of QEIA. In 2008/2009 a program not approved by the State of California was adopted.

Monroe is currently working toward AVID certification and becoming an AVID School K thru 8. The goal is to improve the overall API at Monroe by 15 points at the end of the 2011/2012 school year. (Please see attached for specific plan and data for Monroe)

8. Demographic Information:
(District/school/program)__ has a student population of _________ and is located in a ____(urban, rural, or small city etc.)__ in __________ County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)   No X  Yes 
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X  Yes 
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:    Title:    Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print):    Staff Signature:    Date:

Unit Manager (type or print):    Unit Manager Signature:    Date:

Division Director (type or print):    Division Director Signature:    Date:

Deputy (type or print):    Deputy Signature:    Date:
Action Steps to meet the target for 2011/2012 school year. Monroe will be focusing on the following areas to reach the goal of 15 point API growth for the 2011/2012 school year.

Action Walks

- To monitor and support Instructional Norms
- Monitor and support effective use of core curriculum
- Monitor and support Strategic support

AVID Certification for middle School in the 2011/2012 school year

- Staff meetings are Professional Development in AVID strategies
- Using 6th grade teachers as tutors
- Aligning our After School Program with AVID

Professional Development for Teachers and Administrators

- Teachers continue to receive content training from District
- Coaching is continuous with teaching staff based on data
- Administration trained in RTI

After School Programs/Intervention

- Step UP
- ABCS
- Study Island:
- Saturday School

Program Specialist and Counselor

- Monitors EL population and entire Academic Program
- Reduces suspension rate
- Provides coordination of Services for families at Monroe
- Increased Parent Involvement
**Percent of School's Students Scoring Proficient or Advanced on the ELA CST (AYP Report):**

<table>
<thead>
<tr>
<th>% Pro/Adv</th>
<th>English Language Arts</th>
<th>Mathematics</th>
<th>Valid ELA Scores in 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All</td>
<td>EL/RFEP</td>
<td>SWD</td>
</tr>
<tr>
<td>SMART Goal</td>
<td>Dates</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 2010-2011</td>
<td>32</td>
<td>25</td>
<td>21</td>
</tr>
<tr>
<td>2 2011-2012</td>
<td>42</td>
<td>35</td>
<td>31</td>
</tr>
<tr>
<td>3 2012-2013</td>
<td>52</td>
<td>45</td>
<td>41</td>
</tr>
<tr>
<td>3 2013-2014</td>
<td>62</td>
<td>55</td>
<td>51</td>
</tr>
</tbody>
</table>

**Number of School's Students Scoring Proficient or Advanced on the ELA CST (AYP Report):**

<table>
<thead>
<tr>
<th># Students</th>
<th>English Language Arts</th>
<th>Mathematics</th>
<th>Valid Mathematics Scores in 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All</td>
<td>EL/RFEP</td>
<td>SWD</td>
</tr>
<tr>
<td>SMART Goal</td>
<td>Dates</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 2010-2011</td>
<td>110</td>
<td>47</td>
<td>4</td>
</tr>
<tr>
<td>2 2011-2012</td>
<td>144</td>
<td>66</td>
<td>6</td>
</tr>
<tr>
<td>3 2012-2013</td>
<td>179</td>
<td>84</td>
<td>8</td>
</tr>
<tr>
<td>3 2013-2014</td>
<td>213</td>
<td>103</td>
<td>10</td>
</tr>
</tbody>
</table>

**NOTE for English Language Arts, Spring 2012:**

5 more students in each grade level would need to move to proficient in order to reach the goal for "All" students.
3 more students in each grade level would need to move to proficient in order to reach the goal for the "EL" students.
0 more student in each grade level would need to move to proficient in order to reach the goal for the "SWD" students.
5 more student in each grade level would need to move to proficient in order to reach the goal for the "SED" students.

**NOTE for Mathematics, Spring 2012:**

5 more students in each grade level would need to move to proficient in order to reach the goal for "All" students.
3 more students in each grade level would need to move to proficient in order to reach the goal for the "EL" students.
0 more student in each grade level would need to move to proficient in order to reach the goal for the "SWD" students.
5 more student in each grade level would need to move to proficient in order to reach the goal for the "SED" students.
Waiver Number: 48-12-2011          Period of Request: July 26, 2011, to May 28, 2013
Nightingale Charter School
Stockton Unified School District

CDS Code: 39 68676 6042725

Local Educational Agency Request:

Stockton Unified School District (USD) is located in urban San Joaquin County and has a student population of approximately 38,252 students. Nightingale Charter School (CS) serves 510 students in kindergarten and grades one through eight. Academic Performance Index (API) data for Nightingale CS shows that the school did not exceed the three-year average growth requirement of the Quality Education Investment Act (QEIA). Nightingale CS’s three-year growth average target is 10.0, but its three-year growth average is 10.0.

Stockton USD states that, with the exception of the 2008–09 school year, Nightingale CS has a proven record of increasing its API score. The district states that its annual API growth has outpaced the district and the State; however there is still work to be done and Nightingale CS is committed to raising student achievement. The district states that Nightingale CS leadership and staff, along with QEIA support providers, have worked hard to build a school culture that emphasizes fidelity to the core curriculum and is eager to participate in ongoing collaboration and professional development. The district states that ongoing QEIA funding will allow it to continue with plans of action to make student growth in achievement.

Stockton USD requests a waiver of the QEIA API three-year average growth requirement for Nightingale CS for the 2010–11 school year.

Additional Local Educational Agency and School Information for Consideration:

<table>
<thead>
<tr>
<th>School Locale Code</th>
<th>11*</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEA Average Daily Attendance (ADA)</td>
<td>38,252</td>
</tr>
<tr>
<td>School ADA</td>
<td>510</td>
</tr>
<tr>
<td>Grade Span</td>
<td>K–8</td>
</tr>
<tr>
<td>2008–09 API</td>
<td>578</td>
</tr>
<tr>
<td>2009–10 API</td>
<td>606</td>
</tr>
<tr>
<td>2010–11 API</td>
<td>648</td>
</tr>
<tr>
<td>3 Year API Target Average</td>
<td>10.0</td>
</tr>
<tr>
<td>3 Year API Growth Average</td>
<td>10.0</td>
</tr>
<tr>
<td>Made API Growth?</td>
<td>No</td>
</tr>
<tr>
<td>Made AYP?</td>
<td>No</td>
</tr>
</tbody>
</table>

*City Large: Territory inside an urbanized area and inside a principal city with population of 250,000 or more.
California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils within the meaning of California Education Code Section 33051(a)(1).

Specifically, (1) QEIA funding is expected to result in increased academic achievement over time and Nightingale CS has not demonstrated the required growth; and (2) QEIA program requirements were known to the district prior to its decision to apply for program participation.


Supported by Stockton Teacher’s Association, October 4, 2011. No position by California School Employee Association Local 821, November 8, 2011.

Local Board Approval: December 13, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  X
Renewal Waiver:  

Send Original plus one copy to: Waiver Office, California Department of Education
Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

1430 N Street, Suite 5602
Sacramento, CA 95814

Local educational agency:
Stockton Unified School District
Address:  701 N. Madison
City:  Stockton  State:  California  ZIP:  95202
Phone (and extension, if necessary):  (209) 933-7040 ext 2722
Fax Number:  (209) 234-1850

Contact name and Title:  Dan Wright
Contact person’s e-mail address:  dwright@stockton.k12.ca.us

Period of request:  (month/day/year)
From:  07/26/2011  To:  05/28/2013
Local board approval date:  (Required)
12/13/2011
Date of public hearing:  (Required)
10/28/2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  52055.740

Topic of the waiver:  QEIA- Extension of QEIA Support

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  _Does Not Pertain__ and date of SBE Approval  Does Not Pertain___ Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  __ No  X  Yes  If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):  
   Stockton Teachers Association  10/04/2011
   California School Employee Association  11/08/2011

   Name of bargaining unit and representative(s) consulted:  
   Stockton Teachers Association
   California School Employee Association

   The position(s) of the bargaining unit(s):  __  Neutral  X  Support  __  Oppose (Please specify why)

   Comments (if appropriate):

4. Public hearing requirement:  A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?
   ___ Notice in a newspaper  _X_  Notice posted at each school  _X_  Other:  (Notice posted at the District Office on 12/09/2011)

5.  Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request:  School Site Council- Friday, October 28, 2011

   Were there any objection(s)?  No  X  Yes ___  (If there were objections please specify)
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

Education Code 52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding: (5) Exceed the API growth target for the school averaged over the first three full years of funding. Beginning in the fifth year of participation, funded schools shall meet their annual API growth targets.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

With the exception of the 2008-2009 school year, Nightingale has a proven record of increasing its API score. Our annual API growth has outpaced the district and the State. There is still work to be done, but we are committed to raising student achievement. As of 2011, we were one point short of meeting our QEIA goal. (Our API was 648, and our QEIA target was 649).

Nightingale leadership and staff, along with our QEIA support providers, have worked hard to build a school culture that emphasizes fidelity to the core curriculum. We are eager to participate in ongoing collaboration and professional development. These are essential components of our School Plan for Student Achievement. Ongoing QEIA funding will allow us to continue with our plan of action and continue to make student growth in achievement.

**Please see attached explanation

8. Demographic Information:

Nightingale Charter has a student population of 510 and is located in an urban area in San Joaquin County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No ☐ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: ___________________________ Date: ____________

Title: ___________________________

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print): ___________________________ Staff Signature: ___________________________ Date: ____________

Unit Manager (type or print): ___________________________ Unit Manager Signature: ___________________________ Date: ____________

Division Director (type or print): ___________________________ Division Director Signature: ___________________________ Date: ____________

Deputy (type or print): ___________________________ Deputy Signature: ___________________________ Date: ____________
<table>
<thead>
<tr>
<th>Test Year</th>
<th>Nightingale API</th>
<th>Nightingale Growth</th>
<th>LEA Growth</th>
<th>State Growth</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>623</td>
<td>+22</td>
<td>+9</td>
<td>+13</td>
<td>Met API growth targets for all but one subgroup (African-American students)</td>
</tr>
<tr>
<td>2009</td>
<td>576</td>
<td>-42</td>
<td>+6</td>
<td>+14</td>
<td>No API growth targets met.</td>
</tr>
<tr>
<td>2010</td>
<td>606</td>
<td>+30</td>
<td>+13</td>
<td>+13</td>
<td>All API growth targets met.</td>
</tr>
<tr>
<td>2011</td>
<td>648</td>
<td>+42</td>
<td>+13</td>
<td>+10</td>
<td>All API growth targets met</td>
</tr>
</tbody>
</table>

ONGOING PROFESSIONAL DEVELOPMENT IS ESSENTIAL FOR OUR SCHOOL

Since 2008, Nightingale staff members readily participated in professional development opportunities facilitated through our QEIA grant. We have worked in close partnership with the San Joaquin County Office of Education, our QEIA service provider, to improve effective teaching practices using the core curriculum for English Language Arts and mathematics. In addition, teachers have undergone training (facilitated by SJCOE) to build additional strategies for reaching English Learners, which represent approximately 40% of our student population. In the 2010-2011 school year, we completed a series of coaching sessions with ALS to increase student engagement.

Staffing turnover, addressed in detail below, has caused us to lose momentum relative to our professional development efforts. However, teachers continue to embrace learning opportunities that will benefit student learning. Much of our professional development was scheduled during school hours, to allow lesson study, collaborative planning, and co-teaching opportunities with coaches and teachers. Additional after-school training sessions were consistently attended by more than 75% of our staff. After-school sessions focused primarily on curriculum and technology.

Beyond coaching and curriculum training, teachers have met on a regular basis since 2009 to collaborate with their grade-level and life-level peers. Collaboration sessions are data-driven. Teachers review assessment results to identify student learning needs and to share effective teaching strategies.

Ongoing data-driven collaboration, professional development, and specialized coaching are necessary for Nightingale to continue its future API growth. Without QEIA funding, teacher development and collaboration opportunities will be in jeopardy. QEIA funding is essential in allowing us to continue in our efforts to improve student learning.
CHALLENGE - STAFFING

Historically, Nightingale has had a disproportionately larger number of interns and new teachers on staff, compared to other campuses in the district. Keeping a consistent teaching staff has always been a challenge, but the problem has become much more significant, given the State’s economy.

Teacher turnover during QEIA funding years is detailed below:

<table>
<thead>
<tr>
<th>QEIA Year</th>
<th>School Year</th>
<th>Number of Teachers Returning from Prior Year</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2007-08</td>
<td>18 out of 21 (86%)</td>
<td>14% turnover due to teachers transferring to other schools.</td>
</tr>
<tr>
<td>2</td>
<td>2008-09</td>
<td>16 out of 24 (67%)</td>
<td>Approximately half of the 33% turnover due to teachers transferring to other school districts. Other half due to teacher lay-offs; loss of teachers with lower seniority, who were later placed at other SUSD schools.</td>
</tr>
<tr>
<td>3</td>
<td>2009-10</td>
<td>14 out of 21 (67%)</td>
<td>33% turnover due primarily to teacher lay-offs; loss of teachers with lower seniority, who were later placed at other SUSD schools.</td>
</tr>
<tr>
<td>4</td>
<td>2010-11</td>
<td>12 out of 18 (67%)</td>
<td>33% turnover due to teacher lay-offs; teachers with lower seniority who were placed at other SUSD schools or did not have the opportunity to return to work.</td>
</tr>
</tbody>
</table>

As noted in the previous section, professional development and teacher collaboration opportunities have been a key component of academic success. With a large number of teachers leaving every school year, Nightingale has lost momentum in training its staff members. With every near year there is a need to bring new teachers up to date on our professional development efforts. Working relationships must be rebuilt to facilitate productive collaboration among teachers in various grade levels and life levels. Our progress suffers each year when essentially, we are starting over with a significant number of new staff members. It takes months to catch up, only to lose staff again.

Teacher turnover has also put a strain on our CST administration. For the past three years, teachers have received lay-off notices just prior to district CST dates. Approximately half of our teachers have received lay-off notices during the past three school years. The fact that notices are issued causes distractions for staff and students. Lay-off hearings, attended by teachers, have taken place during State testing, and many times the exams are administered by a substitute teacher. Our students have the best chance of performing well when they are not distracted by a change in the testing environment.

Besides teacher turnover, Nightingale has gone through other significant staffing changes. There was a change in principal in 2010-2011, and again for 2011-2012. Assistant Principal staffing has been inconsistent. We had an A.P. in the 2007-2008 and 2008-2009 school years. There was no A.P. the following year in 2009-2010, and an A.P. for a partial year in 2010-2011.

While we had authority to have an on-site school counselor from 2007-2010, there was difficulty in hiring this resource for Nightingale.
Despite staffing challenges, which have affected our school’s climate, Nightingale staff and teachers have persevered to raise API scores in three of the last four school years. We look forward to the opportunity to continue our fight to increase student learning and achievement.

CURRICULUM

Nightingale leadership, along with our QEIA support providers, have worked hard to build a school culture that emphasizes fidelity to the core curriculum. Teachers received coaching and have had the opportunity to collaborate regarding effective and engaging use of the State-adopted core curriculum.

Our leadership team, coaches, and other outside reviewers have helped monitor Nightingale’s appropriate use of the core curriculum.

It is important to note that during the 2008-2009 school year, at the direction of our Superintendent, Nightingale replaced its core English Language Arts curriculum with the Success for All program. SFA, which was not State-adopted for use as an ELA curriculum, emphasized reading and reading comprehension skills, which was beneficial for many of our students. However, the program provided little, if any support in grammar or writing skills.

Nightingale’s API dropped 42 points in 2009, and we attribute much of this to the SFA mandate. In the same year, Stockton Unified adopted a new math curriculum. Teachers were in the midst of gaining practice and expertise with the new math curriculum when they were directed to learn and teach SFA, too. Having two new curriculum programs, eight new teachers, and a lack of grammar and writing resources impacted our achievement in the 2008-2009 school year.

SUMMARY

With the exception of the 2008-2009 school year, Nightingale has a proven record of increasing its API score. Our annual API growth has outpaced the district and the State. There is still work to be done, but we are committed to raising student achievement. As of 2011, we were one point short of meeting our QEIA goal. (Our API was 648, and our QEIA target was 649).

We are eager to participate in ongoing collaboration and professional development. These are essential components of our School Plan for Student Achievement. Ongoing QEIA funding will allow us to continue with our plan of action.
## MARCH 2012 AGENDA

### General Waiver

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

Waiver Number: Grossmont Union High 55-12-2011

### RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☒ Denial

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils within the meaning of California Education Code (EC) Section 33051(a)(1).

See Attachment 1 for details.

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

The CDE Waiver Office has previously presented waivers regarding revising the Academic Performance Index (API) under the Quality Education Investment Act (QEIA) to the State Board of Education (SBE).

This is the first SBE meeting for which waivers related to revising alternative programs under the QEIA have been received by the CDE Waiver Office and are being presented to the SBE.

### SUMMARY OF KEY ISSUES

Schools participating in the QEIA Program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.
SUMMARY OF KEY ISSUES (Cont.)

Alternative Programs

California EC Section 52055.760(a) allows a school district or chartering authority to apply for authority from the Superintendent to use alternative program requirements if the district or authority demonstrates that compliance with alternative program requirements would provide a higher level of academic achievement among pupils than compliance with the interim and program requirements. Alternative program requirements were used to serve no more than 15 percent of the pupils funded by QEIA and must serve the entire school.

A school district or chartering authority may use alternative program requirements at a funded school if all the following criteria were satisfied:

(1) The proposed alternative requirements are based on reliable data and are consistent with sound scientifically based research consistent with subdivision (j) of Section 44757.5 on effective practices.

(2) The costs of complying with the proposed alternative requirements do not exceed the amount of funding received by the school district or chartering authority pursuant to this article.

(3) Funded schools agree to comply with the alternative program requirements and be subject to the termination procedures specified in subdivision (c) of Section 52055.740. Funded schools with alternative programs shall also be required to exceed the API growth target for the school averaged over the first three fully funded years and annually thereafter.

(4) The Superintendent and the president of the state board or his or her designee jointly have reviewed the proposed alternative funded schools of the school district or chartering authority for purposes of this section and have recommended to the state board for its approval those schools, using the same process as for the regular program recommendations.

The Superintendent was to give priority for approval of schools with alternative programs to any school serving any of grades nine through twelve, inclusive, that has demonstrated to the satisfaction of the Superintendent and the president of the state board or his or her designee that the school cannot decrease class sizes as required under this article due to extraordinary issues relating to facilities, or due to the adverse impact of the requirements of this program, if implemented in the school, on the eligibility of the school district for state school facility funding.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed;
SUMMARY OF KEY ISSUES (Cont.)

(2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request; (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees; (4) Pupil or school personnel protections are jeopardized; (5) Guarantees of parental involvement are jeopardized; (6) The request would substantially increase state costs; and (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the alternative program goals based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: Grossmont Union High School District Request 55-12-2011 for a Quality Education Investment Act Alternative Program and Academic Performance Index Waiver (3 pages)

Attachment 2: Grossmont Union High School District General Waiver Request 55-12-2011 (6 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
Local Educational Agency Request:

Grossmont Union High School District (UHSD) is located in San Diego County and has a student population of approximately 24,224 students. El Cajon Valley High School (VHS) serves 2,100 students in grades nine through twelve. Academic Performance Index (API) data for El Cajon VHS indicates that the school did not exceed the three-year average growth requirement of the Quality Education Investment Act (QEIA). El Cajon VHS’s three-year growth average target is 7.3, but its three-year growth average is only 4.0. In addition, as an alternative application QEIA school, El Cajon VHS was allowed to set five alternative goals and targets for attaining these goals over school years 2008–09, 2009–10, and 2010–11. El Cajon VHS failed to achieve any of its alternative program goals in school year 2010–11.

Grossmont UHSD states that the academic context of El Cajon VHS has undergone extreme change due to a large influx of refugees escaping the war-torn regions of Iraq and the Middle East. The district states that, based on the significant influx of immigrant and English learner (EL) students and a substantial increase of students under the poverty level, El Cajon VHS has shifted its focus to triage immediate needs for support including significant cultural and community upheaval with an urgency to facilitate social and academic assimilation. The district states that El Cajon VHS has demonstrated great success in meeting these challenges, including the creation of a highly effective system of support for refugee students through an extensive partnership with community resources. The district also states that the school has demonstrated sustained gains on the Biology/Life Sciences, World History, and Grade 11 History-Social Science California Standards Tests (CSTs).

Grossmont UHSD requests a waiver of the QEIA API three-year average growth requirement for El Cajon VHS for the 2010–11 school year. In addition, the district requests a waiver for not meeting any of its alternative program goals in 2010–11.

Additional Local Educational Agency and School Information for Consideration:

<table>
<thead>
<tr>
<th>School Locale Code</th>
<th>21*</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEA Average Daily Attendance (ADA)</td>
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</tr>
<tr>
<td>School ADA</td>
<td>2,100</td>
</tr>
<tr>
<td>Grade Span</td>
<td>9–12</td>
</tr>
<tr>
<td>2008–09 API</td>
<td>654</td>
</tr>
<tr>
<td>2009–10 API</td>
<td>658</td>
</tr>
<tr>
<td>2010–11 API</td>
<td>644</td>
</tr>
<tr>
<td>3 Year API Target Average</td>
<td>7.3</td>
</tr>
<tr>
<td>3 Year API Growth Average</td>
<td>4.0</td>
</tr>
<tr>
<td>Made API Growth?</td>
<td>No</td>
</tr>
<tr>
<td>Made AYP?</td>
<td>No</td>
</tr>
</tbody>
</table>

*Suburb Large: Territory outside a principal city and inside an urbanized area with population less than 250,000 and greater than or equal to 100,000.

Grossmont UHSD submitted the following goals to support their waiver request:
Goal A

Increase the percentage of grade ten first time testers passing the English-language arts (ELA) section of the California High School Exit Examination (CAHSEE) by 1 percent annually.

<table>
<thead>
<tr>
<th>Year</th>
<th>Goal</th>
<th>Actual</th>
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</thead>
<tbody>
<tr>
<td>2007–08</td>
<td>66%</td>
<td>66%</td>
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<td>2008–09</td>
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<td>62%</td>
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<td>2012–13</td>
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<tr>
<td>2013–14</td>
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Goal B

Increase the percentage of grade ten first time testers passing the Mathematics section of the CAHSEE by 1 percent annually.

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<thead>
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<td>2010–11</td>
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<td>2011–12</td>
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<tr>
<td>2012–13</td>
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<tr>
<td>2013–14</td>
<td>75%</td>
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Goal C

Decrease Below Basic/Far Below Basic (BB/FBB) on the CSTs, grades nine through eleven, ELA by 1.5 percent annually.

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<tr>
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<td>2008–09</td>
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<td>2010–11</td>
<td>43.5%</td>
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<tr>
<td>2011–12</td>
<td>42%</td>
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<tr>
<td>2012–13</td>
<td>40.5%</td>
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<tr>
<td>2013–14</td>
<td>39%</td>
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</table>
Goal D

Decrease BB/FBB on the CSTs, Algebra I and Geometry by 2 percent annually.

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</tr>
<tr>
<td>2013–14</td>
<td>49%</td>
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</tbody>
</table>

Goal E

Decrease the percentage of ELs (who have been enrolled in school in the United States 12 months or more) who score BB/FBB on the ELA CST by 2 percent annually.

<table>
<thead>
<tr>
<th>Year</th>
<th>Goal</th>
<th>Actual</th>
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</thead>
<tbody>
<tr>
<td>2007–08</td>
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<td>2010–11</td>
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<td>2011–12</td>
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<td>58.4%</td>
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</tr>
<tr>
<td>2013–14</td>
<td>56.4%</td>
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</table>

California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils within the meaning of California Education Code Section 33051(a)(1).

Specifically, (1) Grossmont UHSD set its own alternative program requirements and did not achieve any of its growth targets in 2010–11; furthermore, it has not met those targets in many cases in the past four years; (2) Although the school reports a large influx of English Learners as the reason for not being able to meet its API growth target, the most recent five years of data indicate a net gain of 21 EL students in the number of students included in the accountability report from 2007 to 2011; (3) In three of the last five years, the EL subgroups at the school have demonstrated negative growth on the API; (4) El Cajon VHS is unlikely to reach its goals over the life of the QEIA program; and (5) QEIA funding is expected to result in increased academic achievement over time and El Cajon VHS has not demonstrated the required growth.

Reviewed by El Cajon Valley High Schoolsite Council on December 7, 2011.

Supported by Grossmont Education Association, December 2, 2011.

Local Board Approval: December 8, 2011.
CALIFORNIA DEPARTMENT OF EDUCATION  
GENERAL WAIVER REQUEST  
GW-1 (Rev. 10-2-09)  
http://www.cde.ca.gov/re/lr/wr/  

First Time Waiver: _X_  
Renewal Waiver: ____  

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814  

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov  

<table>
<thead>
<tr>
<th>Local educational agency:</th>
<th>Contact name and Title:</th>
<th>Contact person’s e-mail address:</th>
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<tbody>
<tr>
<td>Grossmont Union High School District</td>
<td>Cindy Douglas, Director, Instruction</td>
<td><a href="mailto:cdouglas@guhsd.net">cdouglas@guhsd.net</a></td>
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<th>(City)</th>
<th>(State)</th>
<th>(ZIP)</th>
<th>Phone (and extension, if necessary):</th>
<th>Fax Number:</th>
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<td>PO Box 1043</td>
<td>La Mesa</td>
<td>CA</td>
<td>91944</td>
<td>619-644-8040</td>
<td>619-462-5721</td>
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<th>Local board approval date: (Required)</th>
<th>Date of public hearing: (Required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>From: July 1, 2012 To: June 30, 2014</td>
<td>December 8, 2011</td>
<td>December 8, 2011</td>
</tr>
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**LEGAL CRITERIA**

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740a5  
Circle One: EC or CCR  

Topic of the waiver: **QEIA (Quality Education Investment Act)**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **N/A** and date of SBE Approval_______  
Renews of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **December 2, 2011**

   Name of bargaining unit and representative(s) consulted: **Grossmont Education Association, Fran Zumwalt, President**

   The position(s) of the bargaining unit(s): _X_ Support ___ Oppose (Please specify why)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X_ Notice in a newspaper  _X_ Notice posted at each school  ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   El Cajon Valley High School Site Council

   Date the committee/council reviewed the waiver request: **December 7, 2011**

   Were there any objection(s)? _X_ Yes ___ (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

S2055.740 For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

   (5) Exceed the API growth target for the school averaged over the first three full years of funding. Beginning in the fifth year of participation, funded schools shall meet their annual API growth targets, if the school fails to meet its annual growth target, the school shall continue to receive funding pursuant to this article, but shall be subject to state review, assistance, and timeline requirements Pursuant to the HPSGP under Section S2055.650. The school site administrator shall not automatically be reassigned based solely on that failure.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Please accept the following as a request for reconsideration of El Cajon Valley High School’s continuing participation in the Quality Education Investment Act (QEIA) grant. Circumstances over the last several years have created unexpected and extraordinary circumstances that have adversely affected the school’s ability to achieve its original QEIA goals. Unfortunately, the measures used to evaluate El Cajon’s success have not been effective indicators of the significant progress attributable to QEIA funding to date. Losing this resource will significantly undermine the continued gains of a very large and unique group of students. Our appeal for SBE forgiveness and special dispensation is based on the following three factors:

1. Exceptional Adversity

   Over the past three years, the academic context of El Cajon Valley High School has undergone extreme change due to a large influx of refugees escaping the war-torn regions of Iraq and the Middle East. Within this short period of time, the school has seen a 150% increase in the number of English Learners and has enrolled hundreds of Middle Eastern refugee students (N=710 in SY11-12). Generally, these students have not been in school for several years, lack first-language fluency, and arrive with severe social and psychological scars. Based on the significant influx of emigrant and EL students, as well as a substantial increase of students under the poverty level, El Cajon has shifted its focus to triage immediate needs for support. These include, for example, significant cultural and community upheaval with an urgency to facilitate social and academic assimilation. Timely action has also been required to address dramatic reduction in high school readiness, as well as the significant decreases in levels of parent education (the strongest correlate to the API.)

2. Significant Progress

   Despite numerous obstacles, El Cajon Valley has demonstrated great success in meeting these challenges, including the creation of a highly effective system of support for refugee students through an extensive partnership with community resources. Academically, the school has demonstrated sustained gains on the biology, world history, and US history CSTs. There has also been a notable increase in student enrollment in advanced placement courses, a significant increase in advanced placement completion rates, and increased attendance rates (see attached.) The effective infrastructure of support created by QEIA is clearly measurable in areas outside the scope of the original goals.

3. New Plans for Continued Success

   Based on the success of building infrastructure for students new to the country, the school’s focus on the academic measures of achievement has now been intensified. The school’s management team has been rebuilt through the appointment of a new principal and two assistant principals who bring extensive expertise in the areas of English Learners and literacy. Plans for 2012-2013 include the addition of 2,220 minutes to the instructional program (pending staff approval). Diagnostic assessment protocols have been initiated and will be fully implemented next year along with comprehensive professional development in the area of literacy for teachers and administrators as well as content-specific training with national experts in instructional pedagogy based on the Common Core Standards.

   If terminated from the QEIA program, the loss of funding would result in increased class sizes within all core content areas, a significant reduction of bilingual cross-cultural aides, and loss of the Family Resource Center (4 caseworkers, including a highly skilled Arabic caseworker) which has been highly effective in coordinating the community support in conjunction with our partnering agency, San Diego Youth Services.

   Please accept our appeal for SBE forgiveness and special dispensation based on these circumstances and the impact to the students and community of El Cajon Valley.

8. Demographic Information:

   (District/school/program) _El Cajon Valley High School_ has a student population of __2100__ and is located in a _suburban community_ in _San Diego_ County.
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<thead>
<tr>
<th>Question</th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is this waiver associated with an apportionment related audit penalty?</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>(If yes, please attach explanation or copy of audit finding)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has there been a Categorical Program Monitoring (CPM) finding on this</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>issue? (If yes, please attach explanation or copy of CPM finding)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
</tr>
</thead>
</table>

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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<thead>
<tr>
<th>Staff Name (type or print):</th>
<th>Staff Signature:</th>
<th>Date:</th>
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<td>Unit Manager (type or print):</td>
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</tr>
<tr>
<td>Division Director (type or print):</td>
<td>Division Director Signature:</td>
<td>Date:</td>
</tr>
<tr>
<td>Deputy (type or print):</td>
<td>Deputy Signature:</td>
<td>Date:</td>
</tr>
</tbody>
</table>
El Cajon Valley High School
QEIA Goals

**Goal A**
Increase the percentage of 10th grade first time testers passing the ELA section of the CAHSEE by 1% annually

<table>
<thead>
<tr>
<th>Year</th>
<th>Goal</th>
<th>Actual</th>
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<tbody>
<tr>
<td>2007-08</td>
<td>66%</td>
<td>66%</td>
</tr>
<tr>
<td>2008-09</td>
<td>67%</td>
<td>61%</td>
</tr>
<tr>
<td>2009-10</td>
<td>68%</td>
<td>58%</td>
</tr>
<tr>
<td>2010-11</td>
<td>69%</td>
<td>58%</td>
</tr>
</tbody>
</table>

**Goal B**
Increase the percentage of 10th grade first time testers passing the Math section of the CAHSEE by 1% annually

<table>
<thead>
<tr>
<th>Year</th>
<th>Goal</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>69%</td>
<td>69%</td>
</tr>
<tr>
<td>2008-09</td>
<td>70%</td>
<td>75%</td>
</tr>
<tr>
<td>2009-10</td>
<td>71%</td>
<td>70%</td>
</tr>
<tr>
<td>2010-11</td>
<td>72%</td>
<td>70%</td>
</tr>
</tbody>
</table>

**Goal C**
Decrease BB/FBB on the CSTs, grades 9-11, ELA by 1.5% annually

<table>
<thead>
<tr>
<th>Year</th>
<th>Goal</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>48%</td>
<td>48%</td>
</tr>
<tr>
<td>2008-09</td>
<td>46.5%</td>
<td>48%</td>
</tr>
<tr>
<td>2009-10</td>
<td>45%</td>
<td>49%</td>
</tr>
<tr>
<td>2010-11</td>
<td>43.5%</td>
<td>53%</td>
</tr>
</tbody>
</table>

**Goal D**
Decrease BB/FBB on the CSTs, Algebra I and Geometry by 2% annually

<table>
<thead>
<tr>
<th>Year</th>
<th>Goal</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>61%</td>
<td>61%</td>
</tr>
<tr>
<td>2008-09</td>
<td>59%</td>
<td>61%</td>
</tr>
<tr>
<td>2009-10</td>
<td>57%</td>
<td>59%</td>
</tr>
<tr>
<td>2010-11</td>
<td>55%</td>
<td>56%</td>
</tr>
</tbody>
</table>

**Goal E**
Decrease the percentage of ELLs (who have been enrolled in school in the US 12 months or more) who score BB/FBB on the ELA CST by 2% annually

<table>
<thead>
<tr>
<th>Year</th>
<th>Goal</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>68%</td>
<td>68%</td>
</tr>
<tr>
<td>2008-09</td>
<td>66%</td>
<td>66%</td>
</tr>
<tr>
<td>2009-10</td>
<td>64%</td>
<td>69%</td>
</tr>
<tr>
<td>2010-11</td>
<td>62%</td>
<td>76%</td>
</tr>
</tbody>
</table>
## California Standards Test - Biology
Increasing percentages of students scoring Advanced or Proficient

<table>
<thead>
<tr>
<th>Year</th>
<th>% Adv + Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>22%</td>
</tr>
<tr>
<td>2008-09</td>
<td>29%</td>
</tr>
<tr>
<td>2009-10</td>
<td>31%</td>
</tr>
<tr>
<td>2010-11</td>
<td>36%</td>
</tr>
</tbody>
</table>

## California Standards Test – World History
Increasing percentages of students scoring Advanced or Proficient

<table>
<thead>
<tr>
<th>Year</th>
<th>% Adv + Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>13%</td>
</tr>
<tr>
<td>2008-09</td>
<td>23%</td>
</tr>
<tr>
<td>2009-10</td>
<td>28%</td>
</tr>
<tr>
<td>2010-11</td>
<td>34%</td>
</tr>
</tbody>
</table>

## California Standards Test – US History
Increasing percentages of students scoring Advanced or Proficient

<table>
<thead>
<tr>
<th>Year</th>
<th>% Adv + Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>21%</td>
</tr>
<tr>
<td>2008-09</td>
<td>22%</td>
</tr>
<tr>
<td>2009-10</td>
<td>29%</td>
</tr>
<tr>
<td>2010-11</td>
<td>31%</td>
</tr>
</tbody>
</table>

## Advanced Placement Enrollment
Increasing percentages of students enrolled in one or more Advanced Placement courses

<table>
<thead>
<tr>
<th>Year</th>
<th>% Adv + Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>9%</td>
</tr>
<tr>
<td>2008-09</td>
<td>13%</td>
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<tr>
<td>2009-10</td>
<td>16%</td>
</tr>
<tr>
<td>2010-11</td>
<td>17%</td>
</tr>
</tbody>
</table>

## Advanced Placement Completion Rates
Increasing percentages of graduates who completed one or more Advanced Placement courses

<table>
<thead>
<tr>
<th>Year</th>
<th>% Adv + Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>33%</td>
</tr>
<tr>
<td>2008-09</td>
<td>38%</td>
</tr>
<tr>
<td>2009-10</td>
<td>36%</td>
</tr>
<tr>
<td>2010-11</td>
<td>45%</td>
</tr>
</tbody>
</table>
**Attendance Rates**
Increasing attendance rates (cumulative rate of attendance)

<table>
<thead>
<tr>
<th>Year</th>
<th>End of Year Attendance Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>90.64%</td>
</tr>
<tr>
<td>2008-09</td>
<td>91.22%</td>
</tr>
<tr>
<td>2009-10</td>
<td>93.50%</td>
</tr>
<tr>
<td>2010-11</td>
<td>94.00%</td>
</tr>
</tbody>
</table>
Standardized Testing and Reporting Program: Adoption of California Modified Assessment Performance Level Descriptors for English–Language Arts in Grades Ten and Eleven and Geometry.

SUMMARY OF THE ISSUE(S)

California Education Code Section 60605 requires performance level descriptors (PLDs) to be adopted by the SBE. In addition, PLDs are required as part of the state's submission to the U.S. Department of Education (ED) for peer review.

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) adopt the State Superintendent of Public Instruction's (SSPI's) proposed PLDs for the California Modified Assessment (CMA) for English–language arts (ELA) in grades ten and eleven and geometry for submission to the ED for assessment peer review.

BRIEF HISTORY OF KEY ISSUES

California educators who participated in the standard setting process developed the SSPI's Proposed CMA PLDs in a meeting held prior to the standard setting workshop. The panel was assembled to identify and discuss the competencies required of students in each grade and subject area for each performance level (below basic, basic, proficient, and advanced). SBE-adopted policy definitions were used during the standard setting and PLD development process. Though PLDs are a product from the standard setting process, they are not included in the public hearing for standard setting.

The CMA PLDs are designed to suggest ranges of performance typical of the test-taking population. They do not describe any individual or classroom student performance or describe specific CMA test questions. The PLDs do not affect established academic achievement standards.
BRIEF HISTORY OF KEY ISSUES (CONT.)

Following the PLD development meetings, Educational Testing Service (ETS) reviewed all of the proposed PLDs for consistency of language across grades and content areas. The proposed PLDs were reviewed by the CMA Assessment Review Panel on November 15, 2011.

The Proposed PLDs for CMA for ELA in grades ten and eleven and geometry are provided in Attachment 1. See Attachment 2 for the text of the EC sections referred to in this item.

Under the requirements of ESEA, all states accepting Title I funds from the federal government must demonstrate evidence of a valid state assessment system based on rigorous academic standards. Each assessment must be independently evaluated through a peer review (process). PLDs are a required component for peer review. California’s peer review status is currently acknowledged as approval pending.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In March 2011, the SBE adopted PLDs for the ELA in grade nine, algebra, and grade ten life science for California’s Peer Review submission to the ED.

In March 2010, the SBE adopted PLDs for the ELA in grades six through eight, mathematics in grades six and seven, and science in grade eight for California’s Peer Review submission to the ED.

In May 2009, the SBE adopted PLDs for the CMA for ELA and mathematics in grades three through five and science in grade five for California’s Peer Review submission to the ED.

In March 2009, the SBE adopted PLDs for the California Alternate Performance Assessment (CAPA) tests for ELA, mathematics, and science.

In September 2007, the SBE approved the board subcommittee recommendation to submit to the ED the Summary Level Performance Descriptions (for the California Standards Tests) contained in the board agenda item number seven for ELA, mathematics, and science. All PLDs have been accepted by the ED as appropriately meeting peer review requirements.

FISCAL ANALYSIS (AS APPROPRIATE)

All costs associated with these activities are included in the current Standardized Testing and Reporting Program contract.
ATTACHMENT(S)

Attachment 1: Proposed Performance Level Descriptors for the California Modified Assessment (4 pages)

Attachment 2: Relevant California *Education Code* Sections (2 pages)
Proposed Performance Level Descriptors for the California Modified Assessment

Preface

The California Modified Assessment (CMA) is an alternate assessment for students with disabilities who have an individualized education program and meet the eligibility criteria proposed by the California Department of Education and adopted by the State Board of Education.

The CMA is based on the same grade level content standards as the California Standards Tests. The CMA was developed in response to the U.S. Department of Education’s final regulations under the Elementary and Secondary Education Act and the Individuals with Disabilities Act that provided flexibility to states “to more appropriately measure the achievement of certain students with disabilities.” The regulations allow states to develop an alternate assessment based on modified academic achievement standards.

The CMA Performance Level Descriptors (PLDs) do not describe any individual or classroom student performance or specific CMA test questions. The PLDs are designed to suggest ranges of performance typical of the test-taking population. Educators should not assume that teaching only the skills named in the PLDs will be sufficient to raise student performance. The focus of instruction in California classrooms should always be the full set of California content standards. Educators should also recognize that the goal for all students is attaining proficiency in these standards.
CMA ELA Grade 10
Draft Performance Level Descriptors

Advanced: Students in grade 10 at the advanced level demonstrate a comprehensive understanding of knowledge and skills measured. In addition to demonstrating skills at the proficient level, students at this level infer literal and figurative meanings of words and understand word derivations. In addition, students at the advanced level use prior knowledge to interpret denotative and connotative meanings of new words. They synthesize relevant research questions when given appropriate text. Students at the advanced level evaluate author’s claim by using evidence from text. They can produce evidence, stated or implied, from text illustrating the impact of ambiguities, ironies, subtleties, contradictions, and incongruities. They evaluate and revise students’ written work by identifying errors and applying appropriate conventions of documentation to develop a composition. Students at the advanced level formulate a thesis with supporting details to develop a cohesive composition.

Proficient: Students in grade 10 at the proficient level demonstrate an adequate understanding of the knowledge and skills measured. In addition to demonstrating skills at the basic level, students at this level can define, identify, and explain literal, figurative, denotative, and connotative meaning through the use of word derivations to gain meaning in context. They are also able to identify, understand, and explain elements, key ideas, and purpose of workplace documents, technical documents, and bibliographies. Students at the proficient level synthesize content of works to paraphrase ideas and themes in order to compare and contrast themes in differing works with evidence, and support ideas expressed in each work. They identify and describe genre, characterizations, plot (development and sequence), literary devices, point of view, tone, and theme. Students at the proficient level can use conventions for documentation and develop a main idea by synthesizing information from multiple sources. They can recognize relevant research questions when provided with a given example. Students at the proficient level recognize a coherent thesis that is developed with strong support. Students performing at the proficient level identify and correct some errors to improve overall focus and clarity of writing.

Basic: Students in grade 10 at the basic level demonstrate a limited performance through partial and rudimentary understanding of knowledge and skills measured. Students at this level identify suffixes, prefixes, and root words in context. They identify various types of functional documents and bibliographies and follow technical instructions from informational materials. Students at the basic level summarize main ideas from one work. They define genre, characterization, plot (development and sequence), literary devices, point of view, tone, and theme. They identify supporting evidence. Students at the basic level construct a paragraph using simple sentences with basic grammar and format. Students at the basic level define and identify various types of sources.

Below Basic: Students in grade 10 at the below basic level have difficulty demonstrating an understanding of the knowledge and skills measured. They demonstrate little or a flawed understanding of the knowledge and skills measured by this assessment.
CMA ELA Grade 11
Draft Performance Level Descriptors

**Advanced:** Students in grade 11 at the **advanced** level demonstrate a comprehensive understanding of knowledge and skills measured. In addition to demonstrating skills at the proficient level, students at this level determine the meaning of new, complex, multi-syllable words using expanded roots, affixes, and etymology. They draw complex inferences to develop and support conclusions based on written works with multiple themes and issues. Students at the advanced level evaluate the features and organization of public documents to determine the validity and effectiveness of the author’s argument. They evaluate complex literary and rhetorical devices used by American authors and analyze the authors’ purpose for using them in context. Students at the advanced level demonstrate a strong command of English conventions through the use of effective word choice and varied sentence structures including compound-complex sentences. They demonstrate the ability to write precise, sophisticated works using supported persuasive arguments, rhetorical devices, and a specific tone.

**Proficient:** Students in grade 11 at the **proficient** level demonstrate an adequate understanding of the knowledge and skills measured. In addition to demonstrating skills at the basic level, students at this level determine the meaning of new words using roots, affixes, and etymology; they understand the meaning of analogies and draw simple inferences. They understand and evaluate information in public documents, demonstrating the ability to question validity, audience appeal, and author’s agenda. Students at the proficient level recognize common literary and rhetorical devices used by American authors and analyze the authors’ purpose for using them. Students at the proficient level draw conclusions from written works, including themes and issues, and support those conclusions by citing evidence. They write coherent, focused text using persuasive ideas and arguments, rhetorical devices, elements of discourse, and tone. Students at the proficient level revise text, demonstrating command of standard English conventions.

**Basic:** Students in grade 11 at the **basic** level demonstrate a limited performance through partial and rudimentary understanding of knowledge and skills measured. Students at this level sometimes use basic roots and affixes to determine the meaning of new words and to recognize an analogy. They identify information and follow simple technical directions; they demonstrate limited ability to question the author’s argument. Students at the basic level identify limited rhetorical and literary devices. They demonstrate some ability to identify author’s purpose and sometimes draw conclusions from written works. Students at the basic level demonstrate a basic command of English conventions; use simple sentences and limited vocabulary; and identify basic punctuation and capitalization. They write rudimentary text with minimal support.

**Below Basic:** Students in grade 11 at the **below basic** level have difficulty demonstrating an understanding of the knowledge and skills measured. They demonstrate little or a flawed understanding of the knowledge and skills measured by this assessment.
CMA Geometry
Draft Performance Level Descriptors

Advanced: Students in Geometry at the advanced level demonstrate a comprehensive and complex understanding of the knowledge and skills measured by this assessment. In addition to demonstrating skills at the proficient level, these students can prove relationships between angles and polygons. They can construct logical arguments and use a counterexample to negate a statement. Students know the effect of reflections and rotations on figures in the coordinate plane. These students use angle and side relationships of special right triangles in order to find the missing sides or angles. Furthermore, students know and use definitions of basic trigonometric functions to find the missing sides of right triangles. Finally, students are able to solve problems involving relationships of inscribed and circumscribed polygons and properties of circles.

Proficient: Students in Geometry at the proficient level demonstrate a competent and adequate understanding of the knowledge and skills measured by this assessment. In addition to demonstrating skills at the basic level, these students can apply the Pythagorean Theorem to solve problems. Students are able to recognize and solve problems involving common geometric figures. They can compute the area of polygons, and the volume and surface area of three-dimensional figures. Students can find the interior and exterior angles of triangles. Students can prove that triangles are congruent or similar. Finally, students at this level can sometimes use theorems involving the properties of quadrilaterals to find the measure of the angles.

Basic: Students in Geometry at the basic level demonstrate a partial and rudimentary understanding of the knowledge and skills measured by this assessment. Students at this level can use the midpoint and distance formulas. Students are able to recognize translations of figures in the coordinate plane. In addition, they can recognize the properties of parallel lines cut by a transversal. These students are able to identify and understand undefined terms. Students can use basic theorems for congruence and similarity. Furthermore, students can determine how changes in dimensions affect perimeter. Finally, they can perform basic constructions with a straight edge and compass.

Below Basic: Students in Geometry at the below basic level have difficulty demonstrating an understanding of the knowledge and skills measured. They demonstrate little or a flawed understanding of the knowledge and skills measured by this assessment.
Relevant California Education Code Sections

Section 60605

(a)  (1) (A) Not later than January 1, 1998, the state board shall adopt statewide academically rigorous content standards, pursuant to the recommendations of the Commission for the Establishment of Academic Content and Performance Standards, in the core curriculum areas of reading, writing, and mathematics to serve as the basis for assessing the academic achievement of individual pupils and of schools, school districts, and the California educational system. Not later than November 1, 1998, the state board shall adopt these standards in the core curriculum areas of history/social science and science.

(B) The state board shall adopt statewide performance standards in the core curriculum areas of reading, writing, mathematics, history/social science, and science based on the recommendations made by the Superintendent of a contractor or contractors.

(C) The state board shall require the contractor or contractors to submit performance standards to the Superintendent and the state board not later than a specified date that allows sufficient opportunity for the Superintendent to make a recommendation to the state board and for the state board to conduct regional hearings prior to the adoption of the performance standards.

(2) (A) The state board may modify any proposed content standards or performance standards prior to adoption and may adopt content and performance standards in individual core curriculum areas as those standards are submitted to the state board. The state performance standards shall be established against specific grade level benchmarks of academic achievement for each subject area tested and shall be based on the knowledge and skills that pupils will need in order to succeed in the information-based, global economy of the 21st century. These skills shall not include personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem. The standards adopted pursuant to this section shall be for the purpose of guiding state decisions regarding the development, adoption, and approval of assessment instruments pursuant to this chapter and does not mandate any actions or activities by school districts.

(B) Because these standards are models, the adoption of these standards is not subject to the Administrative Procedure Act. This subparagraph is declaratory of existing law.

(3) Before adopting academic content and performance standards, the state board shall hold regional hearings for the purpose of giving parents and other members of the public the opportunity to comment on the proposed standards.
(b) (1) The state board shall ensure that the statewide assessment system adopted pursuant to this chapter yields valid, reliable individual pupil scores and, where applicable, aggregate school scores, school district scores, and statewide scores of pupils and assesses basic academic skills and content standards, including the use of a direct writing assessment or other applied academic skills if deemed valid and reliable and if resources are made available for their use.

(2) This subdivision does not prevent the state board from developing or adopting an assessment instrument that also contains assessments of basic academic skills.

(c) To the extent feasible and as otherwise required, the state board shall ensure that assessments developed, or contracted for pursuant to Section 60642.5, by the state are aligned with the statewide content and performance standards adopted pursuant to subdivision (a). The department, with the approval of the state board, periodically shall contract for a review of the achievement test for conformance with these standards.

(d) After adopting statewide content and performance standards, the state board shall review the existing curriculum frameworks for conformity with the new statewide standards and shall modify the curriculum frameworks where appropriate to bring them into alignment with the standards.

(e) The state board shall adopt regulations for the conduct and administration of the testing and assessment program.

(f) The state board shall adopt a regulation for minimum security procedures that test and assessment publishers and school districts must follow to ensure the security and integrity of test and assessment questions and materials.

(g) This section shall become inoperative on July 1, 2011.

Section 60601

This chapter shall become inoperative on July 1, 2014, and as of January 1, 2015, is repealed, unless a later enacted statute that is enacted before January 1, 2015, deletes or extends the dates on which it becomes inoperative and is repealed.
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2012 AGENDA

SUBJECT

SUMMARY OF THE ISSUE(S)

California Education Code (EC) Section 60640(h)(1) specifies that the State Superintendent of Public Instruction shall apportion funds to school districts to enable districts to administer the tests within the Standardized Testing and Reporting (STAR) Program.

EC Section 60640(h)(2) states that the State Board of Education (SBE) shall annually establish the amount of funding to be apportioned to school districts for each test administered within the STAR Program. See Attachment 1 for the text of the EC sections referred to in this item.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the following school district apportionment amounts for STAR Program testing administered during the 2011–12 school year:

- $0.38 for the completion of demographic information for each student not tested with the California Standards Tests (CSTs); the California Modified Assessment (CMA); the Standards-based Tests in Spanish (STS); or the California Alternate Performance Assessment (CAPA)

- $2.52 per tested student for the completion of demographic information and administration of the CSTs, the CMA, or a combination thereof

- $2.52 per tested student for the completion of demographic information and administration of the STS to Spanish-speaking English learners (ELs)

- $5.00 per tested student for the completion of demographic information and administration of the CAPA
BRIEF HISTORY OF KEY ISSUES

The STAR apportionment funds are unrestricted funds to reimburse school districts for costs associated with the STAR Program that are above and beyond the statewide contract with test contractors. The contract with the test contractor covers the costs of all required STAR Program testing materials, test scoring, and report production. Costs associated with optional materials or services (such as additional score reports, etc.) are the responsibility of the district.

The STAR Program apportionments reimburse school districts for the following costs:

1. All staffing costs, including the STAR district coordinator and the STAR test site coordinators, staff training, and other staff expenses related to testing
2. All expenses incurred at the school district level and test site level related to testing
3. All transportation costs for delivering and retrieving tests and test materials within the school district
4. All costs associated with the pre-identification of answer sheets and consumable test booklets and other activities intended to provide the complete and accurate data required per state regulations

The recommended apportionment rates are unchanged from 2010–11. The apportionment rates are per student per test, not per subject(s) completed. For example, a school district will receive a single apportionment for a student’s CST answer document whether one subject or multiple subjects have been completed. Because the CSTs and the CMA may be administered in whole or per subject, they share a single apportionment rate per student administered the CSTs, the CMA, or a portion thereof. A student’s individualized education program (IEP) determines which portions of the CMA a student is to be administered. A student who is administered the CAPA per his or her IEP is not administered any other test in the STAR Program and receives a separate reimbursement. A student who is administered the STS as a second test in his or her primary language also is administered the CST, the CMA, or a combination thereof and receives a separate reimbursement.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is an annual SBE action as required by state law.

Since the first administration of the STAR Program tests in the 1997–98 school year, the SBE has annually approved the apportionment amounts for school districts to offset the costs associated with test administration.
FISCAL ANALYSIS (AS APPROPRIATE)

The 2011–12 Budget Act includes funding for all statewide assessment apportionments, including the STAR Program. Any additional amount needed to pay the projected 2011–12 assessment apportionment costs, including the STAR Program, is anticipated to be funded in the 2012–13 Budget Act and approved by July 2012. The CDE has provided the Department of Finance estimated costs for statewide assessment apportionments, including $12.4 million for the STAR Program, for development of a proposed 2012–13 budget.

The projected apportionment costs are based on the estimated student enrollment in grades two through eleven to be tested with the CSTs, CMA, or CAPA, and the estimated number of Spanish-speaking ELs in those grades to be tested with the STS in addition to the CSTs or CMA. The overall percent of students tested has been consistently just under 100 percent of students enrolled as of the first day of testing in grades two through eleven.

ATTACHMENT(S)

Attachment 1: Relevant Education Code Sections (3 pages)
Relevant California Education Code Sections

Section 60640

(a) There is hereby established the Standardized Testing and Reporting Program, to be known as the STAR Program.

(b) From the funds available for that purpose, each school district, charter school, and county office of education shall administer to each of its pupils in grades 2 to 11, inclusive, the standards-based achievement test provided for in Section 60642.5. The state board shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year, except as necessary to ensure test security and to meet the final filing date.

(c) The publisher and the school district shall provide two makeup days for the testing of previously absent pupils within the testing period established by the state board in subdivision (b).

(d) The governing board of the school district may administer achievement tests in grades other than those required by subdivision (b) as it deems appropriate.

(e) Pursuant to Section 1412(a)(17) of Title 20 of the United States Code, individuals with exceptional needs, as defined in Section 56026, shall be included in the testing requirement of subdivision (b) with appropriate accommodations in administration, where necessary, and those individuals with exceptional needs who are unable to participate in the testing, even with accommodations, shall be given an alternate assessment.

(f) (1) At the option of the school district, pupils with limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, may take a second achievement test in their primary language. Primary language tests administered pursuant to this subdivision and subdivision (g) shall be subject to the requirements of subdivision (a) of Section 60641. These primary language tests shall produce individual pupil scores that are valid and reliable.

(2) Notwithstanding any other law, the state board shall designate for use, as part of this program, a single primary language test in each language for which a test is available for grades 2 to 11, inclusive, pursuant to the process used for designation of the assessment chosen in the 1997-98 fiscal year, as specified in Section 60643, as applicable.

(3) (A) The department shall use funds made available pursuant to Title VI of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and appropriated by the annual Budget Act for the purpose of developing and adopting primary language assessments that are aligned to the state academic content standards. Subject to the availability of funds, primary language
assessments shall be developed and adopted for reading/language arts and mathematics in the dominant primary language of limited-English-proficient pupils. The dominant primary language shall be determined by the count in the annual language census of the primary language of each limited-English-proficient pupil enrolled in the California public schools.

(B) Once a dominant primary language assessment is available for use for a specific grade level, it shall be administered in place of the assessment designated pursuant to paragraph (1) for that grade level.

(C) In choosing a contractor to develop a primary language assessment the state board shall consider the criteria for choosing a contractor or test publisher as specified by Section 60643, and as specified by Section 60642.5, as applicable.

(D) Subject to the availability of funds, the assessments shall be developed in grade order starting with the lowest grade subject to the STAR Program.

(E) If the state board contracts for the development of primary language assessments or test items to augment an existing assessment, the state shall retain ownership rights to the assessment and the test items. With the approval of the state board, the department may license the test for use in other states subject to a compensation agreement approved by the Department of Finance.

(F) On or before January 1, 2006, the department shall submit to the Legislature a report on the development and implementation of the initial primary language assessments and recommendations on the development and implementation of future assessments and funding requirements.

(g) A pupil identified as limited English proficient pursuant to the administration of a test made available pursuant to Section 60810 who is enrolled in any of grades 2 to 11, inclusive, and who either receives instruction in his or her primary language or has been enrolled in a school in the United States for less than 12 months shall be required to take a test in his or her primary language if a test is available.

(h) (1) The Superintendent shall apportion funds to school districts to enable school districts to meet the requirements of subdivisions (b), (e), (f), and (g).

(2) The state board annually shall establish the amount of funding to be apportioned to school districts for each test administered and annually shall establish the amount that each publisher shall be paid for each test administered under the agreements required pursuant to Section 60643. The amounts to be paid to the publishers shall be determined by considering the cost estimates submitted by each publisher each September and the amount included in the annual Budget Act, and by making allowance for the estimated costs to school districts for compliance with the requirements of subdivisions (b), (e), (f), and (g).
(3) An adjustment to the amount of funding to be apportioned per test shall not be valid without the approval of the Director of Finance. A request for approval of an adjustment to the amount of funding to be apportioned per test shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal committees of both houses of the Legislature with accompanying material justifying the proposed adjustment. The Director of Finance is authorized to approve only those adjustments related to activities required by statute. The Director of Finance shall approve or disapprove the amount within 30 days of receipt of the request and shall notify the chairpersons of the fiscal committees of both houses of the Legislature of the decision.

(i) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation for the apportionments made pursuant to paragraph (1) of subdivision (h), and the payments made to the publishers under the contracts required pursuant to Section 60643 or subparagraph (C) of paragraph (1) of subdivision (a) of Section 60605 between the department and the contractor, are "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the applicable fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for that fiscal year.

(j) As a condition to receiving an apportionment pursuant to subdivision (h), a school district shall report to the Superintendent all of the following:

(1) The number of pupils enrolled in the school district in grades 2 to 11, inclusive.

(2) The number of pupils to whom an achievement test was administered in grades 2 to 11, inclusive, in the school district.

(3) The number of pupils in paragraph (1) who were exempted from the test at the request of their parents or guardians.

(k) The Superintendent and the state board are authorized and encouraged to assist postsecondary educational institutions to use the assessment results of the California Standards Tests, including, but not limited to, the augmented California Standards Tests, for academic credit, placement, or admissions processes.

(l) The Superintendent, with the approval of the state board, annually shall release to the public test items from the standards-based achievement tests pursuant to Section 60642.5 administered in previous years. The minimum number of test items released per year shall be equal to 25 percent of the total number of test items on the test administered in the previous year.
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2012 AGENDA

SUBJECT

SUMMARY OF THE ISSUE(S)

California Education Code (EC) Section 60605 requires the State Board of Education (SBE) to adopt statewide performance standards (levels) in the core curriculum areas of reading, writing, mathematics, history-social science, and science and to conduct regional public hearings prior to the adoption of the performance standards (levels).

In November 2011, Educational Testing Service (ETS) conducted a performance standards (levels) setting for the Standards-based Tests in Spanish (STS) for Reading/Language Arts (RLA) in grades eight through eleven and Algebra I and Geometry. This agenda item requests approval of the proposed performance standards (levels) and to conduct the regional public hearings on the proposed performance standards (levels).

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the State Superintendent of Public Instruction’s (SSPI’s) proposed performance standards (levels) for the Standards-based Tests in Spanish for RLA in grades eight through eleven, and for STS Algebra I and Geometry.

The CDE also recommends that the SBE direct CDE and SBE staff to conduct regional public hearings on the proposed performance standards (levels) for the STS for RLA in grades eight through eleven, and for STS Algebra I and Geometry to be brought to the SBE in May 2012 for adoption; in compliance with California EC Section 60605, which requires the SBE to adopt statewide performance standards (levels).

BRIEF HISTORY OF KEY ISSUES

California EC Section 60605 requires the SBE to adopt statewide performance standards (levels) in the core curriculum areas of reading, writing, mathematics, history-
social science, and science and to conduct regional public hearings prior to the adoption of the performance standards (levels). The STS is currently not included in the federal or state accountability systems.

The performance standard setting process is used to determine the depth and breadth of understanding of the content standards a student must achieve at each of the five performance levels: advanced, proficient, basic, below basic, and far below basic.

One of the most widely used approaches to standard setting in large scale assessments is the Bookmark Method. The Bookmark Method is an item mapping procedure in which panelists consider content covered by items in a specially constructed book where items are ordered from easiest to hardest based on operational performance data from the a prior administration. Panelists enter markers (or bookmarks) indicating their judgment on the placement of cut scores. These judgments were guided by the SBE-adopted policy definitions to help the development of the performance levels. In California, the Bookmark Method has been used in standard setting for the following tests:

- California Modified Assessment (CMA) for English Language Arts (ELA) in grades three through nine
- CMA for mathematics in grades three through seven
- CMA for science in grades five and eight
- CMA for life science in grade ten
- CMA for Algebra I
- STS for RLA in grades two through seven
- STS for mathematics in grades two through seven
- California Standards Tests (CSTs) for science in grades five and eight
- CST for life science in grade ten
- CST for earth science
- CST for chemistry
- CST for physics
- CST for biology
- CST for integrated/coordinated science 1–4
- CST for history-social science
- CST for world history
- CST for United States history
- California High School Exit Examination
- California English Language Development Test
BRIEF HISTORY OF KEY ISSUES (CONT.)

The STS performance standard setting group for RLA and mathematics met on November 1-4, 2011. The SSPI’s recommendations for the proposed performance standards (levels) for the STS are provided in Attachment 1. The standard setting panel’s recommendations for the proposed performance standards (levels) are provided in Attachment 2.

The SSPI’s recommendations, based on the analyses conducted by the CDE and ETS, differ from the standard setting panel’s recommendations. The SSPI’s recommends that the cut scores, at some levels, be changed by one or two standard error of measurements (SEMs). One SEM is equal to approximately three score points. For this standard setting, the SSPI recommends, in most cases, that the cut scores be decreased by one or two SEMs. The only exceptions would apply to RLA grade ten, Algebra I, and Geometry. If the standard setting panel’s recommendations were adopted, nearly 38 percent of the students for RLA grade ten, 49 percent of the students for Algebra I, and 45 percent of the students in Geometry would be below basic. The SSPI recommends for RLA grade ten, Algebra I, and Geometry that the cut scores for basic be adjusted by more than two SEMs. These recommendations serve to reduce random fluctuations due to measurement and/or judgment error.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At the May 2009 meeting, the SBE adopted performance standards (levels) for the STS for RLA and mathematics in grades two, three, and four.

At the May 2010 meeting, the SBE adopted performance standards (levels) for the STS for RLA and mathematics in grades five through eight; mathematics in grades six and seven; and science in grade eight.

FISCAL ANALYSIS (AS APPROPRIATE)

All costs associated with these activities are included in the current Standardized Testing and Reporting Program contract.

ATTACHMENT(S)

Attachment 1: State Superintendent of Public Instruction’s Recommendations for the Proposed Performance Standards (Levels) for the Standards-based Tests in Spanish (2 pages)

Attachment 2: Standard Setting Panel’s Recommendations for the Proposed Performance Standards (Levels) for the Standards-based Tests in Spanish (2 pages)
State Superintendent of Public Instruction’s Recommendations for the Proposed Performance Standards (Levels) for the Standards-based Tests in Spanish

To be used in reporting the results of the Standards-based Tests in Spanish for Reading language arts (grades 8, 9, 10 and 11), spring 2011 administration and thereafter

Grad Level | Far Below Basic | Below Basic | Basic | Proficient | Advanced
---|---|---|---|---|---
| % Students | Raw Cut Score* | % at or above | % Students | Raw Cut Score* | % at or above | % Students | Raw Cut Score* | % at or above | % Students | Raw Cut Score* | % at or above
8 | 6.8 | <23 | 100 | 26.5 | 23 | 93.2 | 32.4 | 36 | 66.7 | 23.7 | 49 | 34.3 | 10.6 | 60 | 10.6
| Range 0 – 22 | Range 23 – 35 | Range 36 – 48 | Range 49 – 59 | Range 60 – 75
9 | 8.1 | <23 | 100 | 25.4 | 23 | 91.9 | 33.2 | 36 | 66.5 | 23.7 | 49 | 33.3 | 9.6 | 59 | 9.6
| Range 0 – 22 | Range 23 – 35 | Range 36 – 48 | Range 49 – 58 | Range 59 – 75
10 | 5.7 | <23 | 100 | 25.7 | 23 | 94.3 | 33.0 | 37 | 68.6 | 25.0 | 49 | 35.6 | 10.6 | 58 | 10.6
11 | 6.7 | <23 | 100 | 26.3 | 23 | 93.3 | 33.8 | 37 | 67.0 | 24.4 | 48 | 33.1 | 8.7 | 57 | 8.7
| Range 0 – 22 | Range 23 – 36 | Range 37 – 47 | Range 48 – 56 | Range 57 – 75

Percent of students | Percent of students statewide who would be placed at this performance standard (level) on the basis of the results of the 2011 administration.
Raw cut score | Minimum raw score needed to achieve this performance standard (level) on the basis of the results of the 2011 administration of tests.
Percent at or above | Percent of students statewide who would be at or above this performance standard (level) on the basis of the results of the 2011 administration.

NOTE: The Standards-based Tests in Spanish for Reading language arts (grades eight through eleven) has 75 test items.

EXAMPLES OF HOW TO READ THIS CHART: (1) Students with a raw score of less than 23 would be designated as far below basic. (2) Raw scores of at least 60 in grade 8 would be designated as advanced.

*For future administrations, raw cut scores will be expressed in the corresponding scale scores.
State Superintendent of Public Instruction’s Recommendations for the Proposed Performance Standards (Levels) for the Standards-based Tests in Spanish

To be used in reporting the results of the Standards-based Tests in Spanish for Algebra I and Geometry, spring 2011 administration and thereafter

<table>
<thead>
<tr>
<th>Grade Level</th>
<th>Far Below Basic</th>
<th>Below Basic</th>
<th>Basic</th>
<th>Proficient</th>
<th>Advanced</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>% Students</td>
<td>Raw Cut Score*</td>
<td>% at or above</td>
<td>% Students</td>
<td>Raw Cut Score*</td>
</tr>
<tr>
<td>ALG</td>
<td>28.6</td>
<td>&lt;19</td>
<td>100</td>
<td>30.3</td>
<td>19</td>
</tr>
<tr>
<td>GEO</td>
<td>15.5</td>
<td>&lt;19</td>
<td>100</td>
<td>30.5</td>
<td>19</td>
</tr>
</tbody>
</table>

Percent of students
Raw cut score
Percent at or above

Percent of students statewide who would be placed at this performance standard (level) on the basis of the results of the 2011 administration.
Minimum raw score needed to achieve this performance standard (level) on the 2011 administration of tests.
Percent of students statewide who would be at or above this performance standard (level) on the basis of the results of the 2011 administration.

NOTE: The Standards-based Tests in Spanish for Algebra I and Geometry has 65 test items.

EXAMPLES OF HOW TO READ THIS CHART: (1) Students with a raw score of less than 19 would be designated as far below basic. (2) Raw scores of at least 46 in Algebra I would be designated as advanced.

*For future administrations, raw cut scores will be expressed in the corresponding scale scores.
Standard Setting Panel’s Recommendations for the Proposed Performance Standards (Levels) for the Standards-based Tests in Spanish

To be used in reporting the results of the Standards-based Tests in Spanish for Reading language arts (grades 8, 9, 10 and 11), spring 2011 administration and thereafter

<table>
<thead>
<tr>
<th>Grade Level</th>
<th>Far Below Basic</th>
<th>Below Basic</th>
<th>Basic</th>
<th>Proficient</th>
<th>Advanced</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>% Students</td>
<td>Raw Cut Score*</td>
<td>% at or above</td>
<td>% Students</td>
<td>Raw Cut Score*</td>
</tr>
<tr>
<td>8</td>
<td>6.8</td>
<td>&lt;23</td>
<td>100</td>
<td>20.5</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>Range 0 – 22</td>
<td>Range 23 – 32</td>
<td>Range 33 – 48</td>
<td>Range 49 – 54</td>
<td>Range 55 – 75</td>
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<tr>
<td>9</td>
<td>8.1</td>
<td>&lt;23</td>
<td>100</td>
<td>14.6</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>Range 0 – 22</td>
<td>Range 23 – 30</td>
<td>Range 31 – 44</td>
<td>Range 45 – 54</td>
<td>Range 55 – 75</td>
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<tr>
<td>10</td>
<td>5.7</td>
<td>&lt;23</td>
<td>100</td>
<td>37.8</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>Range 0 – 22</td>
<td>Range 23 – 41</td>
<td>Range 42 – 52</td>
<td>Range 53 – 60</td>
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<tr>
<td>11</td>
<td>6.7</td>
<td>&lt;23</td>
<td>100</td>
<td>31.5</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>Range 0 – 22</td>
<td>Range 23 – 38</td>
<td>Range 39 – 49</td>
<td>Range 50 – 57</td>
<td>Range 58 – 75</td>
</tr>
</tbody>
</table>

Percent of students: Percent of students statewide who would be placed at this performance standard (level) on the basis of the results of the 2011 administration.

Raw cut score: Minimum raw score needed to achieve this performance standard (level) on the 2011 administration of tests.

Percent at or above: Percent of students statewide who would be at or above this performance standard (level) on the basis of the results of the 2011 administration.

NOTE: The Standards-based Tests in Spanish for Reading language arts (grades eight through eleven) has 75 test items.

EXAMPLES OF HOW TO READ THIS CHART: (1) Students with a raw score of less than 23 would be designated as far below basic. (2) Raw scores of at least 55 in grade 8 would be designated as advanced.

*For future administrations, raw cut scores will be expressed in the corresponding scale scores.
Standard Setting Panel’s Recommendations for the Proposed Performance Standards (Levels) for the Standards-based Tests in Spanish

To be used in reporting the results of the Standards-based Tests in Spanish for Algebra I and Geometry, spring 2011 administration and thereafter

<table>
<thead>
<tr>
<th>Grade Level</th>
<th>Far Below Basic</th>
<th>Below Basic</th>
<th>Basic</th>
<th>Proficient</th>
<th>Advanced</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALG</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>% Students</td>
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<td>&lt;19</td>
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<td>49.4</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>Range 0 – 19</td>
<td>Range 19 – 30</td>
<td>Range 31 – 41</td>
<td>Range 42 – 50</td>
<td>Range 51 – 65</td>
</tr>
<tr>
<td>GEO</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>15.5</td>
<td>&lt;19</td>
<td>100</td>
<td>45.2</td>
<td>19</td>
</tr>
</tbody>
</table>

Percent of students statewide who would be placed at this performance standard (level) on the basis of the results of the 2011 administration.

Raw cut score Minimum raw score needed to achieve this performance standard (level) on the 2011 administration of tests.

Percent at or above Percent of students statewide who would be at or above this performance standard (level) on the basis of the results of the 2011 administration.

NOTE: The Standards-based Tests in Spanish for Algebra I and Geometry has 65 test items.

EXAMPLES OF HOW TO READ THIS CHART: (1) Students with a raw score of less than 19 would be designated as far below basic. (2) Raw scores of at least 51 in Algebra I would be designated as advanced.

*For future administrations, raw cut scores will be expressed in the corresponding scale scores.
California High School Exit Examination Alternative Means:
Approve Commencement of the Rulemaking Process for Amendments to the California Code of Regulations, Title 5, Section 1216.1.

SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) proposes amendments to the California Code of Regulations, Title 5, to extend the date of implementation of alternative means to the California High School Exit Examination (CAHSEE) for eligible students with disabilities (SWDs) established in California Education Code (EC) Section 60852.2, from January 1, 2011, to January 1, 2013. The State Board of Education (SBE) established, by regulation, the current implementation date of July 1, 2012, but has the ability under EC Section 60852.2 to extend the implementation date by an additional six months (to January 1, 2013). Extension of the implementation date for alternative means will, in effect, also extend the exemption provided by EC Section 60852.3

RECOMMENDATION

The CDE recommends that the SBE take the following actions:

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

BRIEF HISTORY OF KEY ISSUES

EC Section 60852.2(b) specifies a January 1, 2011, implementation date for the alternative means unless the SBE, by regulation, extends this date by up to two years. Regulations adopted by the SBE in February 2011 extended the implementation date to July 1, 2012. The exemption from meeting the CAHSEE requirement ends June 30, 2012, unless regulations extending the alternative means implementation date are adopted. If the regulations are adopted, the exemption from meeting the CAHSEE requirement ends December 31, 2012, unless legislation extending the exemption is enacted.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At the February 2011 meeting, the SBE adopted regulations extending the date of implementation of alternative means to the CAHSEE for eligible SWDs established in EC Section 60852.2, from January 1, 2011, to July 1, 2012.

FISCAL ANALYSIS (AS APPROPRIATE)

The 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 (3 Pages)
Attachment 3: California Code of Regulations, Title 5, Section 1216.1 (1 Page)
Attachment 4: Economic and Fiscal Impact Statement (4 Pages)
AMENDMENTS TO THE CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING THE CALIFORNIA HIGH SCHOOL EXIT EXAM (CAHSEE) - IMPLEMENTATION OF ALTERNATIVE MEANS

[Notice Published March 23, 2012]

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

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 9:00 a.m. May 7, 2012 at 1430 N Street, Room 1103, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

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

Debra Thacker, Regulations Coordinator
Administrative Support and Regulations Adoption
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 by 5:00 p.m. on May 7, 2012. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.
AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AUTHORITY AND REFERENCE

Authority: Section 60852.2, Education Code.

Reference: Section 60852.2, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Studies have shown that there are students with disabilities (SWDs) who have an individualized education program (IEP) or Section 504 plan, which states that the student is scheduled to receive a high school diploma, and has satisfied, or will satisfy, all state and local requirements for high school graduation on or after July 1, 2009, and who have taken the California High School Exit Examination (CAHSEE) at least twice since grade ten and at least once in grade twelve but have not passed one or both portions of the CAHSEE; though the actual number of these students is still undetermined.¹ The State Board of Education (SBE) has been charged to consider an analysis of alternative means by which eligible SWDs may demonstrate the same level of academic achievement in the content standards in English-language arts or mathematics, or both, required for passage of the CAHSEE.

The SBE has determined that alternative means to the CAHSEE are feasible and in February 2011 adopted regulations extending the alternative means implementation date to July 1, 2012. In March 2012, the SBE determined that a delay until January 1, 2013, is necessary for the appropriate implementation of alternative means. The proposed amendments to California Code of Regulations, Title 5, amending Section 1216.1, would extend the date from July 1, 2012 until January 1, 2013, to provide for the necessary appropriate implementation of alternative means and would make clear that the exemption continues until December 31, 2012.

DISCLOSURES REGARDING THE PROPOSED REGULATION

¹ For a description of the studies referenced, see the Initial Statement of Reasons under “Studies, Reports, or Documents Relied Upon.”
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 regulatory amendments are consistent and compatible with State laws and regulations.

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

FISCAL IMPACT

Mandate on local agencies or school districts: None

Cost or savings to state agencies: 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 cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

ECONOMIC IMPACT ANALYSIS

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.

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

The proposed amendments to California Code of Regulations, Title 5, amending section 1216.1, would extend the date from July 1, 2012 until January 1, 2013, to provide for the necessary appropriate implementation of alternative means, and would make clear that the exemption continues through December 31, 2012. Such alternative means are intended to take disabled students’ disabilities into account when requiring them to demonstrate competency in reading, writing, and mathematics. Without the proposed revision, disabled students scheduled to graduate from high school after July 1, 2012, would be required to pass the CAHSEE in order to satisfy state and local requirements for graduation, and no alternative means to the CAHSEE would be available to those
students. By extending the time in which to implement an alternative means, the proposed revision exempts disabled students from the requirement to pass the CAHSEE pending implementation of an alternative means to demonstrate their competency in reading, writing, and mathematics. The proposed revision promotes fairness and equity by allowing disabled students to continue to use the exemption provided under Education Code section 60852.3 until January 1, 2013, while the state continues to work toward implementation of an alternative means that takes into account those students’ disabilities.

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have an effect on any small business because the regulations relate only to school districts and not to small business practices.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons 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 this regulation may be directed to:

Deborah Probst, Education Program Consultant
Assessment Development and Administration Division
California Department of Education
1430 N Street, Room 4202
Sacramento, CA 95814
Telephone: 916-445-9449

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator 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 and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE’s Web site at http://www.cde.ca.gov/re/lr/rr.

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

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

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

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Unruh Civil Rights Act, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Deborah Probst, Education Program Consultant, 1430 N Street, Sacramento, CA, 95814; telephone, 916-445-9449. It is recommended that assistance be requested at least two weeks prior to the hearing.
INITIAL STATEMENT OF REASONS
CAHSEE - Implementation of Alternative Means

INTRODUCTION

The proposed revision of the California Code of Regulations, title 5, extends the implementation date of alternative means to the California High School Exit Examination (CAHSEE) for eligible students with disabilities (SWDs) established in California Education Code section 60852.2, from January 1, 2011, to January 1, 2013.

The State Board of Education (SBE) is required by the provisions of Education Code sections 60852.1 and 60852.2 to consider options for alternative means by which eligible SWDs may demonstrate the same level of academic achievement in the content standards in English-language arts (ELA) or mathematics, or both, required for passage of the CAHSEE. At its July 2010 meeting the SBE determined that alternative means are feasible. Therefore, the SBE will adopt regulations that will include appropriate timelines and the manner in which students and local educational agencies are notified of the results of the alternative means assessment. Education Code section 60852.2(b) specifies a January 1, 2011, implementation date for the alternative means, unless the SBE, by regulation, extends this date by up to two years.

The SBE, at its July 2010 meeting, determined that alternative means to the CAHSEE for eligible SWDs are feasible, and in February 2011 adopted regulations extending the implementation date of alternative means to July 1, 2012. The SBE, at its March 2012 meeting, determined that a delay from July 1, 2012, to January 1, 2013, is necessary for the appropriate implementation of alternative means.

The proposed amendments to California Code of Regulations, Title 5, amending section 1216.1, would extend the date from July 1, 2012 until January 1, 2013, to provide for the necessary appropriate implementation of alternative means, and would make clear that the exemption continues through December 31, 2012. Such alternative means are intended to take disabled students’ disabilities into account when requiring them to demonstrate competency in reading, writing, and mathematics. Without the proposed revision, disabled students scheduled to graduate from high school after July 1, 2012, would be required to pass the CAHSEE in order to satisfy state and local requirements for graduation, and no alternative means to the CAHSEE would be available to those students. By extending the time in which to implement an alternative means, the proposed revision exempts disabled students from the requirement to pass the CAHSEE pending implementation of an alternative means to demonstrate their competency in reading, writing, and mathematics. The proposed revision promotes fairness and equity by allowing disabled students to continue to use the exemption provided under Education Code section 60852.3 until January 1, 2013, while the state continues to work toward implementation of an alternative means that takes into account those students’ disabilities.
SPECIFIC PURPOSE OF EACH SECTION—GOV. CODE SECTION 11346.2(b)(1)

The specific purpose of each adoption and the rationale for the determination that each adoption 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:

Proposed section 1216.1 is amended to specify the implementation date of alternative means to the CAHSEE by which eligible SWDs may demonstrate the same level of academic achievement in the content standards in ELA and mathematics, required for passage of the CAHSEE. This is necessary to allow for the appropriate implementation of the alternative means. This is also necessary to provide clarity to ensure that eligible SWDs in the Class of 2013 who are scheduled to graduate by December 31, 2012, may continue to use the provisions of Education Code section 60852.3, exempting them from the CAHSEE requirement, until the alternative means has been implemented or until legislation extending the exemption is enacted.

OTHER REQUIRED SHOWINGS—GOVERNMENT CODE SECTION 11346.2(b)(3) and (5)

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

The SBE relied on various information in reaching its conclusion that alternative means are feasible, and that eligible SWDs could demonstrate the same level of academic achievement in the content standards in ELA and mathematics, or both, required for passage of the CAHSEE. The following information was considered:

- The 2007 California Department of Education report, *Considered Courses of Action for the California High School Exit Examination (CAHSEE) for Students with Disabilities Who Have Met All Other Graduation Requirements*, was included in a presentation on the background of alternative means provided to the SBE at its May 2010 meeting. The May 2010 item, specifically Attachment 4 relating to the AB 2040 Panel, can be found at the SBE Agenda—May 2010 Web page at [http://www.cde.ca.gov/be/ag/ag/yr10/agenda201005.asp](http://www.cde.ca.gov/be/ag/ag/yr10/agenda201005.asp).

- The 2008 Human Resources Research Organization (HumRRO) report examining what schools were doing to support special populations as they attempted to meet the CAHSEE requirement, *California High School Exit Examination (CAHSEE) Special Populations Study*. This report may be found on the CDE CAHSEE Independent Evaluation Web page at [http://www.cde.ca.gov/ta/tg/hs/evaluations.asp](http://www.cde.ca.gov/ta/tg/hs/evaluations.asp).

- The *California High School Exit Examination: Assembly Bill 2040 Panel Findings and Recommendations Regarding Options for Alternative Means for Eligible Students with Disabilities* was presented to the SBE at its November 2009
meeting. The November 2009 item can be found at the SBE Agenda—November 2009 Web page at http://www.cde.ca.gov/be/ag/yr09/documents/nov09item22.doc.

- The 2010 American Institutes for Research analysis performed pursuant to the Kidd (Chapman) settlement agreement on SWDs who had taken the CAHSEE with modifications and/or accommodations specified in their respective IEPs or Section 504 plans, and who had not passed the CAHSEE, but who had satisfied, or would satisfy, all other requirements for high school graduation, Independent Evaluation Study of Certain Students Who Used Modifications and/or Accommodations on the California High School Exit Examination (CAHSEE) Final Report. This report may be found on the CDE CAHSEE Independent Evaluation Web page at http://www.cde.ca.gov/be/ta/tg/hs/evaluations.asp.

- HumRRO’s 2010 analysis of the panel’s recommended alternative means, Exploration of Alternative Means for Students with Disabilities to Meet the CAHSEE Requirement. The results of this analysis were provided to the SBE in the form of a PowerPoint presentation at its July 2010 meeting. The July 2010 item can be found on the SBE Agenda—July 2010 Web page at http://www.cde.ca.gov/be/ag/ag/main201007.asp.

- The Educational Testing Services’ California High School Exit Examination Alternative Means Pilot Study was provided to the SBE in an October 2011 Information Memorandum. The October 2011 Information Memorandum can be found at the SBE October 2011 Information Memoranda Web Page at http://www.cde.ca.gov/be/pn/im/infomemoct2011.asp.

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

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


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

Evidence Relied Upon to Support the Initial Determination That the Regulation Will Not Have a Significant Adverse Economic Impact on Business—Gov. Code Section 11346.2(b)(6):

The proposed regulations would not have a significant adverse economic impact on any business because they relate only to school districts and eligible students with disabilities.

2-21-12 [California Department of Education]
• The State Board of Education has illustrated changes to the original text in the
following manner: text originally proposed to be added is underlined; text proposed to
be deleted is displayed in strikeout.

Title 5. EDUCATION
Division 1. California Department of Education
Chapter 2. Pupils
Subchapter 6. California High School Exit Examination
Article 1. General

§ 1216.1. Implementation of an Alternative Means.
The State Board of Education, pursuant to Education Code section 60852.2(b),
hereby extends the commencement date for implementation of alternative means by
which an eligible pupil with a disability may demonstrate the same level of academic
achievement in the content standards required for passage of the CAHSEE to July
January 1, 2013.
NOTE: Authority cited: Section 60852.2, Education Code. Reference: Section 60852.2,
Education Code.
ECONOMIC IMPACT STATEMENT

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

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

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

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

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

2. Enter the total number of businesses impacted: ____________________

   Describe the types of businesses (Include nonprofits): ________________

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

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

   or eliminated: ________

   Explain: ____________________________________________________________

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

5. Enter the number of jobs created: ________ or eliminated: ________

   Describe the types of jobs or occupations impacted: ________________________

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

   [ ] Yes [ ] No If yes, explain briefly: ________________________________

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

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

   a. Initial costs for a small business: $ ________

   b. Initial costs for a typical business: $ ________

   c. Initial costs for an individual: $ ________

   d. Describe other economic costs that may occur: ________________________________

   Annual ongoing costs: $ ________ Years: ________

   Annual ongoing costs: $ ________ Years: ________

   Annual ongoing costs: $ ________ Years: ________
ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

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

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

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

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

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

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

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

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

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

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

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

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

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<tr>
<th>Regulation:</th>
<th>Benefit: $</th>
<th>Cost: $</th>
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<tbody>
<tr>
<td>Alternative 1:</td>
<td>Benefit: $</td>
<td>Cost: $</td>
</tr>
<tr>
<td>Alternative 2:</td>
<td>Benefit: $</td>
<td>Cost: $</td>
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</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.) CalEPA boards, offices, and departments are subject to the following additional requirements per Health and Safety Code section 57005.
ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

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

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

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

FISCAL IMPACT STATEMENT

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

   □ 1. Additional expenditures of approximately $ ___________________________ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:
      □ a. is provided in ___________________________, Budget Act of ___________ or Chapter ___________, Statutes of ___________.
      □ b. will be requested in the ___________________________, Governor's Budget for appropriation in Budget Act of ___________________________.

   □ 2. Additional expenditures of approximately $ ___________________________ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:
      □ a. implements the Federal mandate contained in ___________________________.
      □ b. implements the court mandate set forth by the ___________________________ court in the case of ___________________________ vs. ___________________________.
      □ c. implements a mandate of the people of this State expressed in their approval of Proposition No. ______________ at the ______________ election.
      □ d. is issued only in response to a specific request from the ___________________________, which is/are the only local entity(s) affected;
      □ e. will be fully financed from the ___________________________ (FEES, REVENUE, ETC) authorized by Section ___________________________ of the ___________________________ Code;
      □ f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit;
      □ g. creates, eliminates, or changes the penalty for a new crime or infraction contained in ___________________________.

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

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

☐ 6. Other.

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

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

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

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

☐ 4. Other.

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

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

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

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

☐ 4. Other.

DATE
January 30, 2012

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

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


Department Name: Education

Contact Person: Amy Tang-Paterno

Telephone Number: 916-322-6630

Descriptive Title From Notice Register Or From 400: Implementation of an Alternative Means to CAHSEE (v 1-20-12)

Notice File Number: Z

Economic Impact Statement

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

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

- Selected option is H: None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate)

Fiscal Impact Statement

Section A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 4: no additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law regulations.

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

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

Section C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

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

Fiscal Officer Signature by Amy Tang-Paterno dated January 30, 2012

Agency Secretary Approval / Concurrence Signature by [unintelligible] dated 2/8/2012

Page is missing the Department of Finance Approval / Concurrence Signature.

Questions: State Board of Education | 916-319-0827

Last Reviewed: Monday, February 27, 2012
## SUBJECT

California High School Exit Examination Alternative Means: Approve the Finding of Emergency and Proposed Emergency Regulations for Amendments to the *California Code of Regulations*, Title 5, Section 1216.1.

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<tr>
<th>ACTION</th>
<th>INFORMATION</th>
<th>PUBLIC HEARING</th>
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## SUMMARY OF THE ISSUE(S)

Currently, all California public school students, except eligible student with disabilities (SWDs), must satisfy the California High School Exit Examination (CAHSEE) requirement as well as all other state and local requirements in order to receive a high school diploma. Under the provisions of California *Education Code (EC)* Section 60852.3(b), eligible SWDs are exempt from the CAHSEE requirement until the State Board of Education (SBE) either determines that alternative means are not feasible, or that alternative means are implemented. The SBE has the ability under *EC* Section 60852.2 to extend the implementation date to January 1, 2013. Adoption of the proposed amendment to regulations would have the effect of extending the exemption through December 31, 2012.

## RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE take the following actions:

- Approve the Finding of Emergency;
- Adopt the proposed Emergency Regulations; and
- Direct the CDE to circulate the required notice of proposed emergency action, and then submit the Emergency Regulations to the Office of Administrative Law for approval.

## BRIEF HISTORY OF KEY ISSUES

The SBE’s Advisory Commission on Special Education (ACSE) has recommended that the CAHSEE regulations be amended to extend the implementation date of alternative...
means while legislative remedies are pursued. These emergency regulations, which extend the implementation date of the alternative means to January 1, 2013, have the effect of making clear the exemption under EC Section 60852.3(b) is still in place for eligible SWDs through December 31, 2012.

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

In July 2010, the SBE determined that alternative means to the CAHSEE for eligible SWDs are feasible, and in February 2011 the SBE adopted regulations extending the implementation date of alternative means to July 1, 2012.

**FISCAL ANALYSIS (AS APPROPRIATE)**

A separate agenda item is before the SBE which proposes identical regulations to be adopted as permanent (non-emergency) regulations.

The Economic and Fiscal Impact Statement is provided as Attachment 4.

**ATTACHMENT(S)**

Attachment 1: Notice of Proposed Emergency Action (1 Page)

Attachment 2: Finding of Emergency (6 Pages)

Attachment 3: Proposed Emergency Regulations, *California Code of Regulations*, Title 5, Section 1261.1 (1 Page)

Attachment 4: Economic and Fiscal Impact Statement (4 Pages)
March 9, 2012

NOTICE OF PROPOSED EMERGENCY ACTION
California High School Exit Examination (CAHSEE) Alternative Means

Pursuant to the requirements of Government Code section 11346.4(a)(1), the State Board of Education (SBE) is providing notice of proposed emergency action with regards to the above-entitled emergency regulation.

SUBMISSION OF COMMENTS

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a Notice of the Proposed Emergency Action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the OAL, the OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OAL within five days after the SBE submits the emergency regulations to the OAL for review.

Please reference submitted comments as regarding “CAHSEE Alternative Means” addressed to:

Reference Attorney

Mailing Address: Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

E-mail Address: staff@oal.ca.gov
Fax No.: 916-323-6826

For the status of the SBE submittal to the OAL for review, and the end of the five-day written submittal period, please consult the Web site of the OAL at www.oal.ca.gov under the heading “Emergency Regulations.”
FINDING OF EMERGENCY
California High School Exit Examination (CAHSEE) Alternative Means

The State Board of Education (SBE) finds that an emergency exists and that the emergency regulations adopted are necessary to avoid serious harm to the public peace, health, safety, or general welfare, especially for students with disabilities (SWDs).

SPECIFIC FACTS DEMONSTRATING THE EXISTENCE OF AN EMERGENCY AND THE NEED FOR IMMEDIATE ACTION

This emergency regulations package will implement the provisions of California Education Code section 60852.2(b), which requires that, commencing January 1, 2011, an eligible student with disabilities (SWDs) may participate in alternative means of demonstrating the level of academic achievement in the content standards required for passage of the California High School Exit Examination (CAHSEE) in the manner prescribed by regulations adopted by the SBE pursuant to Education Code section 60852.1.

These emergency regulations are a crucial component of the process the SBE is undertaking to implement an alternative means to the CAHSEE for eligible SWDs, which will allow such pupils to demonstrate competency in reading, writing, and mathematics.

The CAHSEE consists of two parts: English-language arts (ELA) and mathematics; both portions must be passed to satisfy the graduation requirement. All students, including SWDs, must take the CAHSEE in grade ten. Students who do not pass the CAHSEE in grade ten have the option of taking the CAHSEE two times in grade eleven and from three to five times in grade twelve.

Currently, all California public school students, except eligible SWDs, must satisfy the CAHSEE requirement as well as all other state and local requirements in order to receive a high school diploma. Under the provisions of Education Code section 60852.3(b), eligible SWDs are exempt from the CAHSEE requirement until the SBE either determines that alternative means are not feasible, or that alternative means are implemented. The SBE, at its July 2010 meeting, determined that alternative means to the CAHSEE for eligible SWDs are feasible, and in February 2011 adopted regulations extending the implementation date of alternative means to July 1, 2012. The SBE, at its March 2012 meeting, determined that a delay from July 1, 2012, to January 1, 2013, is necessary for the appropriate implementation of alternative means. In making this determination, the SBE relied, in part, on studies that found there are SWDs who have an individualized education plan (IEP) or Section 504 plan, which states that the student is scheduled to receive a high school diploma, and has satisfied, or will satisfy, all state and local requirements for high school graduation on or after July 1, 2009, and who
have taken the CAHSEE at least twice since grade ten and at least once in grade twelve but have not passed one or both portions of the CAHSEE.¹

These emergency regulations, which extend the implementation date of the alternative means to January 1, 2013, have the effect of making clear the exemption under Education Code section 60852.3(b) is still in place for eligible SWDs through December 31, 2012.

The considerations and actions that the SBE has taken follows:

- At the May 2009 meeting, the SBE approved the appointment of members to the panel required by Education Code section 60852.1, consisting of educators and other individuals who have experience with the population of SWDs eligible for alternative means of demonstrating academic achievement.

- At the November 2009 meeting, the panel’s findings and recommendations were presented to the SBE. The SBE deferred making a determination on alternative means, requesting that an analysis of the feasibility of these recommendations be performed.

- A contract amendment with the CAHSEE independent evaluator was negotiated for performance of the requested feasibility analysis of the alternative means proposed by the panel. The study was conducted between April and May 2010, and the analysis was conducted in June 2010.

- At the May 2010 meeting, the SBE was provided with background information regarding alternative means to the CAHSEE, and with the results of an analysis conducted pursuant to the Kidd (Chapman) settlement agreement on SWDs who had taken the CAHSEE with modifications and/or accommodations specified in their respective IEP or Section 504 plans, and who had not passed the CAHSEE, but who had satisfied, or would satisfy, all other requirements for high school graduation.

- In June 2010, the SBE was provided with additional background information on the use of specific accommodations and/or modifications by students with disabilities when taking one or both portions of the CAHSEE.

- At the July 2010 meeting, the SBE was provided with the results of an analysis performed by the CAHSEE independent evaluator of the panel’s recommendations, and with an alternative recommendation by the State Superintendent of Public Instruction (SSPI) for a pilot study. The SBE made a determination that an alternative means to the CAHSEE for eligible SWDs is feasible, that the means could not yet be implemented and directed that

¹ For a description of the studies referenced, see page 5, “Technical, Theoretical, and/or Empirical Studies, Reports, or Documents.”
regulations extending the implementation date of January 1, 2011, to July 1, 2012, be presented to the SBE for action at its September 2010 meeting.

- At the September 2010 meeting, the SBE adopted emergency regulations and approved the commencement of the rulemaking process to adopt regulations extending the implementation date of alternative means to July 1, 2012.

- At the February 2011 meeting, the SBE adopted regulations extending the implementation date of alternative means to July 1, 2012.

- At the March 2011 meeting, the SBE directed the CDE to initiate a pilot study of alternative means.

- In October 2011, the SBE was provided with the results of the Alternative Means Pilot Study, which focused primarily on the proposed Tier II process.

Extending the implementation date through the emergency regulations will enable local educational agencies (LEAs) to meet the requirements of the Individuals with Disabilities Education Act (IDEA):

1. Students with disabilities who have IEPs are required by the IDEA to participate in statewide assessments.

   (16) Participation in assessments.--(A) In general.--All children with disabilities are included in all general State and district-wide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs. [20 USC 1412 (a)(16)(A)]

2. Any change regarding how a student participates in assessment must be recorded in the IEP.

   ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, a statement of why—
   (A) The child cannot participate in the regular assessment; and
   (B) The particular alternate assessment selected is appropriate for the child; [34 CFR §300.320 (a)(6)(ii)]

3. It is unlikely that LEAs can complete the large number of IEP meetings and/or modifications prior to the July 1, 2012 regulatory deadline.

   California Special Education Management Information System (CASEMIS) data indicate that there are over 155,000 students (grades 10, 11, 12 and
post 12) whose IEPs might need modification. Of those, only 60,000 are scheduled for annual reviews before July 1, 2012. LEAs would need to prepare for, and conduct an additional 95,000 IEP meetings and documents to meet the current timeline.

In the absence of these emergency regulations and in light of the lack of clarity in the interplay between Education Code sections 60852.2 and 60852.3, an LEA may conclude that the exemption for SWD granted pursuant to Education Code section 60852.3 expires on July 1, 2012. As a result of this assumption an LEA may impose passage of the CAHSEE as a condition of graduation. To impose such an obligation on these students when not required by California law would be a violation of the IDEA as well as depriving these students of the opportunity to receive a high school diploma.

FACTS EXPLAINING THE FAILURE TO ADDRESS THE SITUATION THROUGH NONEMERGENCY REGULATIONS

In February 2011, the SBE adopted regulations extending the expiration of the CAHSEE exemption from January 1, 2011, until July 1, 2012. In the interim, efforts have been undertaken to propose and sponsor legislation to extend the exemption to January 1, 2013. It has been determined that passage of such legislation is unlikely to occur and become effective prior to July 1, 2012. Given the need of local educational agencies (LEAs) to prepare timely IEPs and remain in compliance with the federal IDEA, it is necessary to implement regulations extending the present July 1, 2012 timeline to January 1, 2013. At the March 2011 meeting the SBE approved the commencement of a pilot study for alternative means to the CAHSEE for eligible SWDs using scale scores for the CST in ELA, grade ten and Algebra I, as an alternative scale score for passage of the ELA and mathematics portions of the CAHSEE. Performance levels for the CMA were not available until fall 2011, and statistical analyses examining the comparability of scores on the CMA for ELA, grade ten, and Algebra I were provided to the SBE in March 2012. As such, the SBE was unable to act any sooner in promulgating a regulation to continue the July 1, 2012, date. Given the fact that the SBE meets on a bimonthly basis, and is a public body that meets pursuant to the requirements of Bagley-Keene, it would be difficult if not impossible to promulgate regulations affecting the July 1, 2012, date through the normal rulemaking process.

AUTHORITY AND REFERENCE

Authority: Section 60852.2, Education Code.

Reference: Sections 60852.2 and 60852.3, Education Code.

INFORMATIVE DIGEST

Studies have shown that there are SWDs who have an IEP or Section 504 plan, which states that the student is scheduled to receive a high school diploma, and has satisfied, or will satisfy, all state and local requirements for high school graduation on or after July
1, 2009, and who have taken the CAHSEE at least twice since grade ten and at least once in grade twelve but have not passed one or both portions of the CAHSEE; though the actual number of these students is still undetermined. The SBE has been charged to consider an analysis of alternative means by which eligible SWDs may demonstrate the same level of academic achievement in the content standards in English-language arts or mathematics, or both, required for passage of the CAHSEE.

The SBE has determined that alternative means to the CAHSEE are feasible and in February 2011 adopted regulations extending the alternative means implementation date to July 1, 2012. In March 2012, the SBE determined that a delay until January 1, 2013, is necessary for the appropriate implementation of alternative means. The proposed amendments to California Code of Regulations, Title 5, amending section 1216.1, would extend the date from July 1, 2012 until January 1, 2013, to provide for the necessary appropriate implementation of alternative means and would make clear that the exemption continues through December 31, 2012.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS, OR DOCUMENTS

The SBE relied on various information in reaching its conclusion that alternative means are feasible, and that eligible SWDs could demonstrate the same level of academic achievement in the content standards in ELA and mathematics, or both, required for passage of the CAHSEE. The following information was considered:

- The 2007 California Department of Education report, Considered Courses of Action for the California High School Exit Examination (CAHSEE) for Students with Disabilities Who Have Met All Other Graduation Requirements, was included in a presentation on the background of alternative means provided to the SBE at its May 2010 meeting. The May 2010 item, specifically Attachment 4 relating to the AB 2040 Panel, can be found at the SBE Agenda—May 2010 Web page at http://www.cde.ca.gov/be/ag/ag/yr10/agenda201005.asp.

- The 2008 Human Resources Research Organization (HumRRO) report examining what schools were doing to support special populations as they attempted to meet the CAHSEE requirement, California High School Exit Examination (CAHSEE) Special Populations Study. This report may be found on the CDE CAHSEE Independent Evaluation Web page at http://www.cde.ca.gov/ta/tg/hs/evaluations.asp.

- The California High School Exit Examination: Assembly Bill 2040 Panel Findings and Recommendations Regarding Options for Alternative Means for Eligible Students with Disabilities was presented to the SBE at its November 2009 meeting. The November 2009 item can be found at the SBE Agenda—November

2 For a description of the studies referenced, see the “Technical, Theoretical, and/or Empirical Studies, Reports or Documents.”

- The 2010 American Institutes for Research analysis performed pursuant to the Kidd (Chapman) settlement agreement on SWDs who had taken the CAHSEE with modifications and/or accommodations specified in their respective IEPs or Section 504 plans, and who had not passed the CAHSEE, but who had satisfied, or would satisfy, all other requirements for high school graduation, *Independent Evaluation Study of Certain Students Who Used Modifications and/or Accommodations on the California High School Exit Examination (CAHSEE) Final Report*. This report may be found on the CDE CAHSEE Independent Evaluation Web page at http://www.cde.ca.gov/ta/tg/hs/evaluations.asp.

- HumRRO’s 2010 analysis of the panel's recommended alternative means, *Exploration of Alternative Means for Students with Disabilities to Meet the CAHSEE Requirement*. The results of this analysis were provided to the SBE in the form of a PowerPoint presentation at its July 2010 meeting. The July 2010 item can be found on the SBE Agenda—July 2010 Web page at http://www.cde.ca.gov/be/ag/ag/main201007.asp.

- The Educational Testing Services' *California High School Exit Examination Alternative Means Pilot Study* was provided to the SBE in an October 2011 Information Memorandum. The October 2011 Information Memorandum can be found at the SBE October 2011 Information Memoranda Web Page at http://www.cde.ca.gov/be/pn/im/infomemooct2011.asp.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The proposed regulations do not impose a mandate on local agencies or school districts.

**COST ESTIMATE**

The SBE has determined that the regulations will involve no additional costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable savings to local agencies or costs or savings to school districts, and no costs or savings in federal funding to the State.

2-21-12 [California Department of Education]
• The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in strikeout.

Title 5. EDUCATION
Division 1. California Department of Education
Chapter 2. Pupils
Subchapter 6. California High School Exit Examination
Article 1. General

§ 1216.1. Implementation of an Alternative Means.
The State Board of Education, pursuant to Education Code section 60852.2(b), hereby extends the commencement date for implementation of alternative means by which an eligible pupil with a disability may demonstrate the same level of academic achievement in the content standards required for passage of the CAHSEE to January 1, 2013.

# ECONOMIC IMPACT STATEMENT

## A. ESTIMATED PRIVATE SECTOR COST IMPACTS

(include calculations and assumptions in the rulemaking record)

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

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

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

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

2. Enter the total number of businesses impacted: __________

Describe the types of businesses (Include nonprofits):
__________________________________________________________________________________________

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

Explain:
__________________________________________________________________________________________

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

5. Enter the number of jobs created: __________ or eliminated: __________

Describe the types of jobs or occupations impacted:
__________________________________________________________________________________________

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

[ ] Yes [ ] No

If yes, explain briefly:
__________________________________________________________________________________________

## B. ESTIMATED COSTS

(include calculations and assumptions in the rulemaking record)

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

<table>
<thead>
<tr>
<th></th>
<th>Initial costs</th>
<th>Annual ongoing costs</th>
<th>Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Initial costs for a small business: $ _______</td>
<td>_______</td>
<td>_______</td>
</tr>
<tr>
<td>b.</td>
<td>Initial costs for a typical business: $ _______</td>
<td>_______</td>
<td>_______</td>
</tr>
<tr>
<td>c.</td>
<td>Initial costs for an individual: $ _______</td>
<td>_______</td>
<td>_______</td>
</tr>
<tr>
<td>d.</td>
<td>Describe other economic costs that may occur:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

*DEPARTMENT NAME: Education

CONTACT PERSON: Amy Tang-Paterno

TELEPHONE NUMBER: 322-6630

DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400

Implementation of an Alternative Means to the CAHSEE (version 1-20-12)
ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

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

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

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

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

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

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

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

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

   Explain: __________ _______ __________ __________

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

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

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

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

   Regulation: Benefit: $ ______ Cost: $ ______
   Alternative 1: Benefit: $ ______ Cost: $ ______
   Alternative 2: Benefit: $ ______ Cost: $ ______

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

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

   Explain: __________ _______ __________ __________

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

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

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

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

FISCAL IMPACT STATEMENT

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

□ 1. Additional expenditures of approximately $ __________________________ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:
   □ a. is provided in __________________________, Budget Act of __________________________ or Chapter __________________________, Statutes of __________________________.
   □ b. will be requested in the __________________________ Governor's Budget for appropriation in Budget Act of __________________________ (FISCAL YEAR)

□ 2. Additional expenditures of approximately $ __________________________ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:
   □ a. implements the Federal mandate contained in __________________________.
   □ b. implements the court mandate set forth by the __________________________ court in the case of __________________________ vs. __________________________.
   □ c. implements a mandate of the people of this State expressed in their approval of Proposition No. __________________________ at the __________________________ election; (DATE)
   □ d. is issued only in response to a specific request from the __________________________, which is/are the only local entity(s) affected;
   □ e. will be fully financed from the __________________________ authorized by Section __________________________ (FEES, REVENUE, ETC.) of the __________________________ Code;
   □ f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit;
   □ g. creates, eliminates, or changes the penalty for a new crime or infraction contained in __________________________.

□ 3. Savings of approximately $ __________________________ annually.

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

6. Other.

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

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

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

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

☐ 4. Other.

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

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

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

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

☐ 4. Other.

DATE
January 30, 2012

AGENCY SECRETARY

DATE
2/8/12

DEPARTMENT OF FINANCE

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

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


Department Name: Education

Contact Person: Amy Tang-Paterno

Telephone Number: 916-322-6630

Descriptive Title From Notice Register Or From 400: Implementation of an Alternative Means to CAHSEE (v 1-20-12)

Notice File Number: Z

Economic Impact Statement

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

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

- Selected option is H: None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate)

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 4: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law regulations.

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

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

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

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

Fiscal Officer Signature by Amy Tang-Paterno dated January 30, 2012

Agency Secretary Approval / Concurrence Signature by [unintelligible] dated 2/8/2012

Page is missing the Department of Finance Approval / Concurrence Signature.

Questions: State Board of Education | 916-319-0827

Last Reviewed: Monday, February 27, 2012
Subject: Request by San Diego Unified School District regarding California Education Code sections 17515 through 17526, Joint Public/Private Occupancy Proposal, allowing the San Diego Unified School District and Peninsula Young Men’s Christian Association (YMCA) to enter into leases and agreements relating to real property and buildings to be used jointly by the District and the Peninsula YMCA.

Summary of the issue(s):

California Education Code (EC) 17524(a) specifies the governing board of a school district shall not approve any joint occupancy proposal nor enter into a lease or contract incorporating a proposal until the governing board has submitted the proposal to the State Board of Education for its approval or disapproval.

Upon receiving approval from the State Board of Education (SBE), the district will enter into negotiations with the YMCA regarding the specific terms of the joint occupancy agreement. The district has indicated to California Department of Education (CDE) staff that any such agreement will contain limitations on access to the property by members of the public during school hours, requirements regarding liability insurance, and be in accordance with all legal requirements.

Recommendation:

The CDE recommends that the SBE approve the San Diego Unified School District’s proposal to enter into a joint occupancy agreement with Peninsula Young Men’s Christian Association (YMCA) to develop recreation facilities and a community center at Pacific Beach Middle School.

Brief history of key issues:

California EC Section 17515 allows a school district to enter into a joint occupancy agreement providing certain requirements are met and pursuant to EC Section 17517 the agreement does not exceed 66 years. A joint occupancy agreement allows the district and a private or public party to jointly develop and operate buildings on district owned property.
Pursuant to EC sections 17521 et seq., the District governing board issued a Request for Proposals (RFP) on October 1, 2011. There were 24 organizations that requested the RFP. Of those 24 organizations, only one proposal was received.

The joint occupancy proposal is between the San Diego Unified School District and the Peninsula YMCA. The proposal includes the development of athletic fields on 2.67 acres and the rehabilitation of the existing community center to include a wellness and program center. The fields and community center will be available for use by students and by the community.

The San Diego Unified School District states that the proposal will significantly improve the aesthetics of the school campus and promote a sense of community. Additionally, the athletic fields, wellness center, and group exercise studios will engage students and the community members in exercise, addressing issues of youth obesity and supporting healthy lifestyle choices. Pacific Beach Middle School has put a great emphasis on physical education, and the development of this proposal will support the educational/enrichment goals of the school. The YMCA will also contribute to the International Baccalaureate curriculum with an option for students to participate in Model United Nations program for middle school students—a hands-on opportunity to experience cultural awareness, holistic learning, and communication.

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

The SBE has approved several joint occupancy agreements with the Los Angeles Unified School District and various partners.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no state fiscal impact.

**ATTACHMENT(S)**

Attachment 1: Site plan of Recreation Facilities and Community Center at Pacific Beach Middle School. (1 page)

Attachment 2: Proposal for Joint Occupancy between San Diego Unified School District and the YMCA for Recreation Facilities and a Community Center at Pacific Beach Middle School. (34 pages)
FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

STRENGTHENING
THE FOUNDATIONS
OF COMMUNITY

PENINSULA FAMILY YMCA
Vincent Glorioso – Executive Director
4390 Valeta Street, San Diego, CA 92107
(P) 619-226-8888  (F) 619-226-1675
(E) vglorioso@ymca.org  (W) www.peninsula.ymca.org
# Proposal for Joint Occupancy of Recreation Facilities and Community Center at Pacific Beach Middle School

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4. **References** p. 7  
5. **Personnel Qualifications** pp. 8-10  
6. **General Description of Project** pp. 11-13  
7. **Financial Information** pp. 14-16  
8. **Financial Overview of Project** p. 17  
9. **Timeline** p. 18  
10. **Benefits of Project** p. 19  
11. **Compliance**  
12. **Signature** p. 20
RESPONDENT/COMPANY

The YMCA of San Diego County is a California nonprofit public benefit corporation established in 1882 and continuously operating in the County of San Diego. Following is a copy of the Articles of Incorporation (as amended).

PENINSULA FAMILY YMCA

4390 Valeta Street, San Diego CA 92107

P 619 226 8888  F 619 226 1675  www.peninsula.ymca.org
I, BILL JONES, Secretary of State of the State of California, hereby certify:

That the annexed transcript has been compared with the corporate record on file in this office, of which it purports to be a copy, and that same is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this

MAR 1 3 1996

[Signature]

Secretary of State
RESTATED ARTICLES OF INCORPORATION
OF
YOUNG MEN'S CHRISTIAN ASSOCIATION
OF
SAN DIEGO COUNTY

RICHARD A. COLLATO and ALAN R. PERRY certify that:

1. They are the president and assistant secretary, respectively, of YOUNG MEN'S CHRISTIAN ASSOCIATION OF SAN DIEGO COUNTY, a California nonprofit corporation.

2. The Articles of Incorporation of this corporation are amended and restated to read as follows:

ONE: The name of this corporation is YMCA OF SAN DIEGO COUNTY.

TWO: This corporation is formed pursuant to the general non-profit law for the State of California, for the following purposes:

A. The primary mission of this corporation is to improve the quality of human life and help all people realize their fullest potential as children of God through the development of the spirit, mind and body.

B. General Purposes:

1. To help develop the character of young people and adults in San Diego County and Imperial County, and to assist them in accepting and demonstrating four basic values: caring, honesty, respect and responsibility.

2. To establish and provide for the conduct and maintenance of YMCA family branches, departments, satellites and projects throughout San Diego County and Imperial County, open to all persons.

3. To encourage efficiency and promote high ethical standards in personal living and in business and professions provided that the corporation shall not hold out as one of its objects the inurement of any financial benefit to any individual.
4. To administer and manage any charitable trust as may be designated.

5. To purchase, rent, lease and acquire, hold, sell, exchange and encumber lands and any personal property of every kind, and rights and interests therein; to take, accept, hold, administer, operate, manage, control, maintain, invest, use, disburse and expend any and all kinds of property, trusts and money, as endowments, gifts or otherwise, whether in trust or otherwise, to effectuate the purposes of this corporation.

6. To have and use any and all other purposes and powers not otherwise prohibited by law.

THREE: This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public and charitable purposes. No part of the corporation's assets or net earnings shall inure to the benefit of any individual or private person, and its property is irrevocably dedicated to charitable purposes, and upon its liquidation, dissolution or abandonment its property remaining after payment, or provision of payment, of all its debts and liabilities shall be distributed to a nonprofit fund, foundation or corporation organized and operated for charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

FOUR: The principal office for the transaction of the business of this corporation is to be located in San Diego County.

FIVE: The number of directors of this corporation shall be not less than thirty-one and not more than sixty-one provided, however, that the number of directors of this corporation may be fixed in the Bylaws of this corporation, as amended from time to time, without the necessity of amending the Articles of Incorporation.

SIX: This corporation shall have no members.

SEVEN: This corporation elects to be governed by all of the provisions of the Nonprofit Corporation Law of 1980 not otherwise applicable to it under Part 5 thereof.

3. The foregoing amendment and restatement of the Articles of Incorporation has been duly approved by the board of directors.
4. This corporation has no members.

Dated: March 4, 1996

RICHARD A. COLLATO, President

ALAN R. PERRY, Assistant Secretary

VERIFICATION

The undersigned, RICHARD A. COLLATO and ALAN R. PERRY, the president and assistant secretary, respectively, of Young Men's Christian Association of San Diego County, each declares under penalty of perjury under the laws of the State of California that the matters set forth in the foregoing certificate are true and correct of their own knowledge. Executed this 4th day of March, 1996, at San Diego, California.

RICHARD A. COLLATO

ALAN R. PERRY
The Y is a leading non-profit organization focused on strengthening communities through youth development, healthy living and social responsibility. For over 160 years, the Y has nurtured the potential of children and teens, improved health and well-being and provided opportunities to give back and support others. Anchored in more than 10,000 communities across the nation, the Y has the long-standing relationships and physical presence not just to promise, but to deliver, lasting personal and social change.

Locally, the Y has been serving San Diegans for 130 years and has grown to include 28 branches and operating units. Our Y touches the lives of nearly one out of every ten people in San Diego County. All people are welcome to participate, regardless of age, income or cultural background.

The Peninsula Family YMCA, chartered in 1970, is a branch of the YMCA of San Diego County, serving the communities of Point Loma, Ocean Beach, Mission Beach and Pacific Beach. Over 2,000 members are engaged at our Y, along with another 3,000 youth, adults and seniors participating in programs and services. Our Y offers a diverse menu of programs including Health & Fitness, Childcare and Day Camp, Youth Sports and Aquatics, Teen Leadership, Senior Social Outings and Volunteer Opportunities. We are committed to never turning someone away for the inability to pay, offering financial assistance to cover program costs.

We have several partnerships in the community, including on-campus after school care at 5 schools in the San Diego Unified School District, with enrollment over 500 students. Additional partners include Correia Middle School, community churches, healthcare providers, youth sports organizations and senior service organizations among others. The Y is built on volunteerism and community collaborations as a means to accomplishing the mission of serving individuals, families and community.
The YMCA of San Diego County participates in numerous collaborative partnerships with local schools. The Y is on over 100 elementary and middle school campuses across the county as before and after school care providers. Additional programs in schools include physical education, recess programming, leadership development, swim lessons, sports leagues and academic enrichment.

Most recently and closely aligned with this request for proposals, a brand new Y was opened in Otay Mesa on the campus of Montgomery Middle School in April of this year. The school and Y work together to offer Physical Education, swim lessons, and family engagement. This 32,000 square foot facility offers membership and programs, with a fitness center, gymnasium, group exercise studios, swimming pool, locker rooms and child watch center for parents to work out with reliable care for their young children.

Contact – Matthew Henry, Executive Director, Border View YMCA, 619-428-9622

At the Peninsula Family YMCA, a partnership with Correia Middle school allows for the Y to use the school parking lot during hours of operation, while the students use the Y gymnasium and swimming pool for physical education. The gymnasium was built in compliance of DSA requirements to meet district standards. Additional programming with the school is being initiated for students to participate in Model United Nations, a leadership development program designed to educate students on current events, international relations and diplomacy.

Contact – Greg Erickson, Director of Community Programs, Peninsula Family YMCA, 619-226-8888

On campus programming has been established at Sandburg Elementary School for Physical Education, lunchtime recess programming and after school sports. The Y provides a qualified instructor to work with school administration and faculty to offer an enriching experience around healthy living for the students.

Y staff are also working with Mira Mesa High School to offer Gold Medal Mindset, a goal setting/action oriented program which will be weaved into an existing mentor program for at risk students. The program will bring together teachers, volunteers and Y staff to lead the students through 6 weeks of vision planning and implementation towards achieving personal goals.

Contact – Jesse Pazdernik, Program Director, Rancho Family YMCA, 858-484-8788

These are just a few of the many experiences with respect to the type of project proposed. The Y has a strong track record of successful experiences in working together with schools to maximize facility space and programming for the total enrichment of students. With diverse expertise and background in working with youth, the Y can be extremely flexible to meet the needs of students and school staff.
<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>School</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alfredo Tinoco</td>
<td>Physical Education Teacher</td>
<td>Correia Middle School</td>
<td>619-222-0476</td>
</tr>
<tr>
<td>Margaret Johnson</td>
<td>Principal</td>
<td>Ocean Beach Elementary School</td>
<td>619-233-1631</td>
</tr>
<tr>
<td>Laurie Hinzman</td>
<td>Former Principal</td>
<td>Sandburg Elementary School</td>
<td>619-302-6845</td>
</tr>
<tr>
<td>Victor Tapia-Sanchez</td>
<td>Principal</td>
<td>Montgomery Middle School</td>
<td>619-690-5540</td>
</tr>
<tr>
<td>Nestor Suarez</td>
<td>Principal</td>
<td>Cabrillo Elementary School</td>
<td>619-223-7154</td>
</tr>
</tbody>
</table>
PERSONNEL QUALIFICATIONS

Vince Glorioso – Executive Director, Peninsula Family YMCA
(resume following)

Greg Erickson – Director of Community Programs, Peninsula Family YMCA
(resume following)
VINCENT A. GLORIOSO

OBJECTIVE
Continue to develop a professional career in the YMCA organization.

PROFESSIONAL EXPERIENCE

Peninsula Family YMCA, San Diego CA

Executive Director
06/11-Present

➢ Community and Volunteer Development
  • Board of Director leadership in recruitment, engagement and development of committee commissions.
  • Campaign Director of annual support fundraiser, empowering 145 volunteers raising over $200,000.
  • Deliver the YMCA mission through relationships with members, programs at 5 schools and diverse community partners.
  • Expansion of Y services with capital growth development through research, planning, fundraising and construction of new facilities.

Rancho Family YMCA, San Diego CA

Associate Executive Director
10/07-06/11

➢ Branch Operations
  • Facilitate the development and implementation of the strategic and operating plans.
  • Development/management of $3.7 million annual operating budget, grown 9% over 3 years with a perfect record of balancing budget.
  • Oversee membership base of 2,700 units, 29 thousand square foot aquatic and multi-use facility.
  • Lead 8 Exempt staff and 140 employees towards achieving branch objectives and personal development.
  • Ensure program quality, with recognition every year for exceeding standards of excellence and over 90% satisfaction rating from participant evaluations.

➢ Association Leadership Involvement
  • Countywide Program Steering Committee Chairman, building beneficial development workshops for YMCA Program Directors.
  • Pilot branch for implementing the Activate America initiative at the YMCA of San Diego County.
  • Five time mentor to rising YMCA professionals.
  • Listen First Trainer, leading the way in the development of strong relationships and supporting members’ needs.

La Jolla YMCA, La Jolla CA

Department Head of Community Programs
01/05-10/07

➢ Staff and Budget Management
  • Responsible for the supervision and professional development of 5 full time Directors/Coordinators.
  • Oversee 8 departments and the annual budget planning process, total budget over $2 million.
  • Perfect record of meeting annual budget plan, increasing revenue by an average of 6% each year.

➢ Program Growth and Development
  • Establish community collaborations with church, school and youth theatre organizations.
  • Planning of Capital Development project, forecasting program growth opportunities.

EDUCATION & TRAINING

Dickinson College, Carlisle PA
Bachelor of Arts, Sociology

Certified as YMCA Multi-Team/Branch Leader

References available upon request
Gregory E. Erickson
2818 S. Barcelona St.
Spring Valley, CA. 91977
Work: (619) 226-8888 x103
Mobile: (619) 885-0786

OBJECTIVE
To become Executive Director of the Peninsula Family YMCA to continue developing and managing programs, staff and volunteers to meet our community needs.

WORK EXPERIENCE
2008-2011 DEPARTMENT HEAD
Position Current Peninsula Family YMCA, 4390 Valeta Street, San Diego, CA 92107
Responsibilities: Oversee Aquatic, Camp, Licensed Childcare, Primetime, Sports and Family Programs. Responsible for $1.6 million of annual branch budget, supervision of 5 full-time staff members, indirect supervision of 80 staff members and 50 program volunteers. Serve as staff liaison to Board of Management Committees. Oversee program development, marketing, human resource management, $200,000 annual campaign, special events and community collaborations.
Achievements:
- Expanded staff supervisory team to enhance program development and quality, leading to a 10% growth in program revenue.
- Grew licensed childcare programs by 35% or $106,044 by opening 3 new childcare sites.
- Successful leadership of the Annual Campaign Teams Section consisting of over a 100 community volunteers, achieving our goal annually.
- Directed branch Bay 2 Bay special event ensuring a positive net outcome, leading volunteers, securing permits, marketing, and race safety.
- Worked with staff to enhance Aquatic department swim team growth and resurrect the Adventure Guides program.

2006-2007 COMMUNITY PROGRAMS DIRECTOR
Position Peninsula Family YMCA, 4390 Valeta Street, San Diego, CA 92107
Responsibilities: Overall management of Sports, Family, Camp and Childcare programs. Responsible for $1 million of annual branch budget, supervision of 2 full-time staff members, program development and human resource management. Serve as staff aide to Teams Section of $195,000 annual campaign.
Achievements:
- Created a new Point Loma youth basketball league collaborating with Point Loma High School and resulting in a 150% or $10,000 annual revenue growth.
- Secured annual sponsorship of Bay 2 Bay special event, achieving desired budget net outcome.
- Managed 2 Divisions in Annual Support Campaign Team Section, helping raise over $195,000.

2003-2006 SPORTS AND FAMILY PROGRAM DIRECTOR
Position Peninsula Family YMCA
Responsibilities: Overall management of Sports and Family programs.
2000-2003  **AFTER SCHOOL PROGRAM SITE SUPERVISOR**  
Peninsula Family YMCA  
**Responsibilities:** Supervision of 5 staff members and 85 students.

1999-2000  **AUTO SALES**  
Bob Baker Ford, Camino Del Rio S., San Diego, CA 92110  
**Responsibilities:** Salesman for new and used automobiles.

1996-1999  **RENTAL CAR AGENT**  
Bob Baker Ford  
**Responsibilities:** Customer service for dealership rental care department.

1995-1995  **SPORTS REFEREE/INSTRUCTOR**  
Mission Valley YMCA, 5505 Friars Rd., San Diego, CA 92110  
**Responsibilities:** Officiate and instruct youth in sports programs.

1991-1994  **YOUTH SPORTS COORDINATOR/CAMP COUNSELOR**  
Camarillo Family YMCA, Camarillo, CA. 93010  
**Responsibilities:** Coordinate youth sports leagues, summer camp staff.

---

**EDUCATIONAL / PROFESSIONAL BACKGROUND**

**Education:**  
B.A. Sociology 1999  
Chapman University, Irvine, CA

**Professional:**  
YMCA Senior Director Certification  
Cultural Diversity and Inclusion Trainer  
Past YMCA Sports Cluster Chair  
Past YMCA Family Cluster Chair

**Volunteer / Community Involvement:**  
Board Member-San Diego Civic Youth Ballet, Member-Peninsula Breakfast Club

**Personal:** Married, father of three girls. Enjoy sports, reading and traveling.

**REFERENCES**  
Available upon request
GENERAL DESCRIPTION OF PROJECT

PENINSULA FAMILY YMCA

4390 Valeta Street, San Diego CA 92107

P 619 226 8888  F 619 226 1675  www.peninsula.ymca.org
The proposed project is to develop the 2.67 acres of recreation facilities as athletic fields for physical education, school and community sports leagues and clubs, adult sports leagues and cardio fitness exercise. The proposal for the community center is to convert the space into a functional wellness and program center for membership and family/community activities. Final decisions on development of the site will be subject to approval of the YMCA Board of Directors, based on a comprehensive market study and financial impact assessment.

**Recreation Facilities using 2.67 acres:**

Proposed construction of an arena soccer field, with overhead lighting for day and night use. This type of enclosed facility is multi-functional, generally used for soccer, but with the capabilities for youth flag football and other sports. The ground surface is artificial turf, maintaining a high quality condition with minimal upkeep.

Proposed landscaping for athletic field, with overhead lighting for day and night use. An open grass field, with the flexibility for numerous activities on a natural surface.

Proposed track surface around the perimeter of the area as a designated space for walking or running.

Proposed field house with administrative office, storage and community restrooms to service expected programming, staff support and equipment/supplies.

Additional parking to accommodate program enrollment at peak performance.

**Uses:** School physical education and school sports leagues/clubs, YMCA Youth Sports instruction and leagues, YMCA Adult Sports recreation leagues, summer day camp programming, walking/jogging/cross training, community events.

**Community Center:**

Proposed renovation of the existing building to house a fitness center, group exercise studio for youth and adults, program room for community classes/meetings and gatherings, child watch care center for families to utilize the facilities while children are engaged in supervised activities, administrative offices and a reception area for greeting/registrations and information. The center would be used as a membership based facility, open to everyone in the community as an optional day use visit. Membership is established with monthly dues and gives access to facilities/equipment, group exercise classes and discounts on all fee based programs.
Fitness Center – Installation of treadmills, stationary bikes, elliptical machines, strength machines, free weights and accessories. Y staff support members to achieve a healthy lifestyle through direct relationship building and fitness expertise.

Group Exercise Studio – A variety of classes including cardio, yoga, dance formats, muscle building and senior strength.

Program Room – A multi use space for instructional classes, meetings, senior gatherings and more.

Child Watch – A service to members, offering care for children in engaged activities while the parent is using the facility for exercise or programs.

Reception Area/Administrative Offices – A welcoming lobby for social, comfortable gathering. Workspace for staff to provide member/program administration and leadership and to take registrations, answer phones, check in attendees, etc.

Uses: The Community Center would serve as home base for many programs the Y runs in and out of the facility. In addition to the above mentioned programs, the Y proposes to run community/family programs such as Model United Nations and Youth & Government for teens, Adventure Guides parent/child outdoor program for families and to participate in community events.

Goals and Objectives: Programs and services will be offered within three areas of focus.

Youth Development – Y programs are value based with an emphasis on Caring, Honesty, Respect and Responsibility. We support youth in building confidence through participation and recognizing achievements in sports, classes and clubs. Our philosophy is for fairness, sportsmanship and leadership. The Y will contribute to the International Baccalaureate curriculum with an option for students to participate in our Model United Nations program for middle school students, a hands on opportunity to experience cultural awareness, holistic learning and communication.

Healthy Living – with athletic fields, a wellness center and group exercise studios, our objective is to engage students and community members in exercise, addressing issues of youth obesity and supporting healthy lifestyle choices. The Y model is to provide information and personal support through relationship development so that people choose to pursue their well-being. Pacific Beach Middle School has put a great emphasis on physical education and the development of this proposal will support the educational/enrichment goals of the school.

Social Responsibility – As a not for profit organization, the Y is governed by a volunteer Board of Directors. We provide opportunities for community members to
contribute to the direction of the organization through service work. We also enlist community volunteers to assist with financial development so that we can support youth and families needing and wanting these opportunities without the means to pay.
FINANCIAL INFORMATION

Dunn & Bradstreet can provide the District with a credit report at no charge upon request. The D&B number for the YMCA of San Diego County is 07-337-5636.

The YMCA of San Diego County is fully insured for general liability and property damage claims. (Letter from our insurance broker together with proof of current insurance policies in place follows).

The audited financial report for the YMCA of San Diego County for the fiscal year ending June 30, 2011 follows. Additional financial information is available upon request.
November 9, 2011

SAN DIEGO UNIFIED SCHOOL DISTRICT
Strategic Sourcing and Contracts Department
2351 Cardinal Lane, Building M
San Diego, California 92123-3799

To Whom It May Concern:

Barney & Barney has been the insurance broker for the YMCA of San Diego County for more than 40 years. During that time we have maintained coverage in full effect with no lapse, and I have no reason to believe that we would have any trouble whatsoever in procuring insurance on their behalf in the future.

I have included a certificate of insurance which outlines the coverage we currently have in place for the YMCA of San Diego County. If there is any other information you feel would help in this process, please don't hesitate to ask.

Sincerely,

Steven G. Shea
Principal
CERTIFICATE OF LIABILITY INSURANCE

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not affirmatively or negatively amend, extend or alter the coverage afforded by the policies below. This certificate of insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder.

Important: If the certificate holder is an additional insured, the policy(ies) must be endorsed. If subrogation is waived, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

Producer: Barney & Barney LLC
CA Insurance Lic: 003950
9117 Towne Centre Drive, Suite 500
San Diego, CA 92122
858-457-3414

Contact: April Hagata
Phone: (858) 587-7517
Fax: (858) 909-9735
Email: aprilh@barneyandbarney.com

Insured: YMCA of San Diego County
3708 Ruffin Road
San Diego, CA 92123

Coverages:

- General Liability
  - Commercial General Liability
  - Professional Liability
  - Sexual Abuse Liability

- Umbrella Liability
  - OCCUR CLAIMS-MADE

- Excess Liability
  - OCCUR CLAIMS-MADE

- Workers Compensation
  - N/A

- Wages, Salaries and Other "Liability"
  - N/A

- E.L. Each Accident
  - N/A

- E.L. Disease - E.A. Employee
  - N/A

- E.L. Disease - Policy Limit
  - N/A

- Building and Personal Property
  - Combined

Policy Number: 02LX56255929

Policy Effective: 7/1/2011

Policy Exp: 7/1/2012

Limits:

- Each Occurrence: $1,000,000
- Damage to Rented Premises: $100,000
- Med Exp (Any one person): $5,000
- Personal & Adv Injury: $1,000,000
- General Aggregate: $3,000,000
- Products - Comp/Op Agg: $2,000,000
- Combined Single Limit: $1,000,000
- Bodily Injury (Per person): $1,000,000
- Bodily Injury (Per accident): $1,000,000
- Property Damage (Per accident): $1,000,000
- Physical Damage Ded.: $1,000 Comp/Colli
- Each Occurrence: $1,000,000
- Aggregate: $1,000,000
- WC Statutory Limits: Other
- E.L. Each Accident: N/A
- E.L. Disease - E.A. Employee: N/A
- E.L. Disease - Policy Limit: N/A

Description of Operations/locations/vehicles:

Evidence of Coverage.

Certificate holder:
YMCA of San Diego County
3708 Ruffin Road
San Diego, CA 92123

Evidence of Coverage:

Authorized Representative:
April Hagata

Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.
YMCA OF SAN DIEGO COUNTY  
(A California Nonprofit Public Benefit Corporation)  

Statement of Financial Position  
June 30, 2011  
(With comparative financial information for 2010)

### Assets

<table>
<thead>
<tr>
<th>Description</th>
<th>2011</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash and cash equivalents</td>
<td>$10,544,000</td>
<td>$8,903,000</td>
</tr>
<tr>
<td>Pledges and accounts receivable, net (note 5)</td>
<td>$11,398,000</td>
<td>$14,896,000</td>
</tr>
<tr>
<td>Investments (note 6)</td>
<td>$35,319,000</td>
<td>$39,130,000</td>
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<tr>
<td>Investments whose uses are limited (note 6)</td>
<td>$2,645,000</td>
<td>$2,367,000</td>
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<tr>
<td>Prepaid expenses and other assets</td>
<td>$648,000</td>
<td>$390,000</td>
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<tr>
<td>Beneficial interest in charitable remainder trusts (note 2)</td>
<td>$4,829,000</td>
<td>$4,805,000</td>
</tr>
<tr>
<td>Land, buildings, and equipment, net (note 7)</td>
<td>$103,614,000</td>
<td>$92,601,000</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td><strong>$168,997,000</strong></td>
<td><strong>$163,092,000</strong></td>
</tr>
</tbody>
</table>

### Liabilities and Net Assets

<table>
<thead>
<tr>
<th>Liabilities:</th>
<th>2011</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounts payable and accrued expenses</td>
<td>$13,965,000</td>
<td>$16,473,000</td>
</tr>
<tr>
<td>Deferred revenue (note 8)</td>
<td>$7,263,000</td>
<td>$6,800,000</td>
</tr>
<tr>
<td>Other liabilities (note 9)</td>
<td>$1,063,000</td>
<td>$895,000</td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
<td><strong>22,291,000</strong></td>
<td><strong>24,168,000</strong></td>
</tr>
</tbody>
</table>

| Commitments and contingencies (notes 12 and 13)                             |            |            |
| Net assets:                                                                 |            |            |
| Unrestricted                                                                | $132,383,000| $120,555,000|
| Temporarily restricted (note 2)                                             | $7,402,000  | $14,018,000 |
| Permanently restricted (note 3)                                             | $6,921,000  | $4,351,000  |
| **Total net assets**                                                        | **146,706,000** | **138,924,000** |

| Total liabilities and net assets                                           | **$168,997,000** | **$163,092,000** |

See accompanying notes to financial statements.
FINANCIAL OVERVIEW OF PROJECT

PENINSULA FAMILY YMCA

4390 Valeta Street, San Diego CA 92107

P 619 226 8888  F 619 226 1675  www.pensinsula.ymca.org
Anticipated Development Costs: The following costs are estimates and based on no firm quotes. Formal cost research and analysis will need to be completed prior to approval of development plans. The final scope of the proposed project and costs for development will be attained through community fundraising.

Market, Environmental and Fundraising Studies  $100,000  
Construction of Soccer Arena  $400,000  
Landscaping of Natural Grass Athletic Field  $600,000  
Renovation and Outfitting of Recreation Center  $1,500,000  

**Total:**  $2,600,000

Annual Operating Budget:

**Income**

Membership Dues:  $350,000  
Youth & Adult Sports:  $150,000  
Teen Leadership:  $12,000  
Day Camp:  $100,000  
Community Programs:  $25,000  
Annual Support Campaign:  $30,000  

**Total:**  $667,000

**Expense**

Salaries, Taxes and Benefits:  $300,000  
Program Expenses:  $171,750  
Equipment and Supplies:  $61,830  
Contracts & Utilities:  $41,220  
Administrative Support:  $92,200  

**Total:**  $667,000
TIMELINE
The proposed timeline is subject to approval of the Board of Directors and dependent on fundraising outcomes.

December 2011  San Diego Unified School District selects proposal
March 2012  Market Study completed
June 2012  Project Team assembled - Community Outreach and Fundraising Plans developed
December 2012  CEQA and Environmental Studies completed
April 2013  Design completed
July 2013  Phase 1 Construction – Soccer Arena, Athletic Field, Field house
November 2013  Youth and Adult Sports programming
January 2014  Phase 2 Construction – Community Center renovation and equipment installation
July 2014  Membership and Program implementation in Community Center

The anticipated length of the partnership between the YMCA of San Diego County and San Diego Unified School District at the Pacific Beach Middle School site would be long term, considering the capital investment into the property and our interest to be integrated into the community we serve.
BENEFITS OF PROJECT

PENINSULA FAMILY YMCA
4390 Valeta Street, San Diego CA 92107
P 619 226 8888 F 619 226 1675 www.peninsula.ymca.org
Through conversations with staff at Pacific Beach Middle School, parents in the community, city officials, Town Council and other community leaders, our Y has sought to understand the needs of the community and the benefit such a proposal could bring.

San Diego Unified School District: Development of the recreational facilities and renovation of the community center would significantly improve the aesthetics of the campus and cultural image of the local schools. Through discussions, we learned that the reputation of the schools in Pacific Beach have not been stellar, although they are improving with a new focus on the International Baccalaureate curriculum, more local families attending Pacific Beach Middle School and growth at the elementary schools. This proposal will bring a sense of belonging to the community, on the school campus, and provide a great resource for families to stay in their local neighborhood for education, recreation and services.

Pacific Beach Middle School Students: With a concentrated effort on Physical Education already existing at the school, development of the recreation facilities with a soccer arena, athletic fields and track would provide a unique environment for fitness, team sports and school pride. Improved PE programming can be directly attributable to the students’ confidence, motivation and health, all factors which will contribute favorably to their academic success.

Community: Through our conversations, we heard an overwhelming interest to make Pacific Beach more family friendly. The Y is a leading organization bringing families together and building a sense of community through programs for youth development, healthy living and social responsibility. With service opportunities, we engage men, women and students to get involved in the direction of their community center, building accountability for helping others.

YMCA: Our goal is to serve more people in more places and achieve our mission of helping all people reach their fullest potential. Establishing a new site in Pacific Beach will allow us to connect a diverse population of students, families, seniors and young adults to a cause driven organization, impacting lives every day.

The Y is fortunate to have a diverse group of resources and skilled employees to partner with the Pacific Beach Middle School for programming. We would be happy to discuss opportunities to contribute to the students’ experience based on the need. Suggestions may include; safety certification, fitness assessments and orientation, volunteer opportunities, healthy lifestyles presentation.
COMPLIANCE

It is acknowledged that the proposed project will be reviewed and approved by California Division of State Architect (DSA) as well as local authorities and will be in compliance with the California Education Code, California Code of Regulations, California Government Code section 4450, et. seq., the California Building Code in the California Code of Regulations at Title 24, applicable zoning code requirements of the local jurisdiction in which the building is situated, and the Americans with Disabilities Act, and the Americans with Disabilities Act Accessibility Guidelines.

PENINSULA FAMILY YMCA

4390 Valeta Street, San Diego CA 92107

P 619 226 8888  F 619 226 1675  www.peninsula.ymca.org
PROPOSAL FOR JOINT OCCUPANCY OF RECREATION FACILITIES AND COMMUNITY CENTER AT PACIFIC BEACH MIDDLE SCHOOL

The proposal submitted by the Peninsula Family YMCA, a branch of the YMCA of San Diego County, will be valid for a period of (1) year. The undersigned has the authority to and makes this proposal binding on the YMCA.

Steve Rowe
Executive Vice President & COO
YMCA of San Diego County

[Signature]

Date: 11-18-11
The Workforce Investment Act (WIA), Title II: Adult Education Family Literacy Act (AEFLA) supports California adult education providers to assist adults most in need to become literate and obtain skills needed for employment and self-sufficiency. The grant funds are dispersed to 250 agencies, including the California Department of Education (CDE) adult education programs, community colleges, community-based organizations, and library literacy programs. In 2010–11, the CDE served 598,486 adult students under the WIA, Title II: AEFLA grant. The CDE received 89,764,038 under the WIA, Title II: AEFLA in 2011–12.

In order for states to receive allotments under the AEFLA, state plans are required. As a requirement of the extension of the AEFLA, the CDE must negotiate with the Office of Vocational and Adult Education (OVAE) each year on student performance measures for the upcoming program year, which in this case is 2012–13. The new performance targets must then be incorporated into the state’s current plan as a revision and submitted to the State Board of Education (SBE) for approval.

Student performance of WIA, Title II: AEFLA eligible adults is measured through completion of federally defined Educational Functioning Levels (EFLs). Performance data are collected and summarized in California through the Comprehensive Adult Student Assessment System (CASAS). Student progress is reported to the OVAE of the U.S. Department of Education (ED) using standards set by the federal National Reporting System (NRS). The AEFLA performance measures include literacy level improvement, student goal attainment, advancement or completion of EFLs, placement in postsecondary education, entrance into employment, and retention of employment.

In 2010–11, the California WIA, Title II agencies exceeded all negotiated state goals for the NRS EFLs. The completion rate for all EFLs improved in 2010–11 compared to 2009–10. The persistence rate in 2010–11 improved for all EFLs compared to 2009–10. In 2010–11, 10,547 adult students passed the California High School Exit Examination
and received a high school diploma, and 12,272 students received a General Educational Development certificate.

The current and projected performance goals for the upcoming year are included in Chapter 5, Section 5.3 of the California State Plan (CSP) (page 5 of Attachment 1). The projected goals are based on past performance data and historical trend data. The goals will receive formal approval from the OVAE in early March 2012. Following the incorporation of the goals into the CSP and submission for SBE approval, the revision will be due to the OVAE by April 1, 2012.

Enclosed for the SBE’s review and approval is the revised Chapter 5 in Section 5.3 (page 5 of Attachment 1) of the CSP, which incorporates the 2012–13 proposed performance goals and the Program Memorandum from Brenda Dann-Messier, Assistant Secretary, OVAE, ED (Attachment 2) that describes OVAE’s policy in implementing an extension of the WIA, Title II: AEFLA Grant.

RECOMMENDATION

The CDE recommends that the SBE extend the CSP 1999–2012 for the WIA, Title II: AEFLA for one additional year and approve the proposed performance goals for 2012–13.

BRIEF HISTORY OF KEY ISSUES

The WIA, Title II: AEFLA, legislation required eligible state agencies to prepare five-year state plans consistent with the OVAE Guide for the Development of a State Plan Under AEFLA. The SBE adopted the initial submission of the CSP (1999–2004) for the WIA, Title II: AEFLA in March 1999.

Eligible state agencies that previously submitted a plan must submit revisions in their adult education plan for the upcoming program year, including performance targets for that year. The revisions enable the U.S. Department of Education (ED) to extend the plans for one year and make allotments of federal adult education funds on July 1 of the upcoming program year.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved annual revisions to the CSP. The most recent approval was in March 2011, when the SBE approved the 2011–12 performance goals and a one-year extension of the CSP (through June 30, 2012).

FISCAL ANALYSIS (AS APPROPRIATE)

This is a one-year extension of the existing provisions of the CSP with changes made to Section 5.3. The extension is required for California to continue to receive funding through the AEFLA. No state funding is required or requested. Failure to approve the
FISCAL ANALYSIS (AS APPROPRIATE) (Cont.)

CSP revision may result in the loss or delay of an estimated amount of $89,764,038 in federal WIA, Title II: AEFLA Grant funds.

ATTACHMENT(S)


Attachment 2: Program Memorandum from Brenda Dann-Messier, Assistant Secretary, OVAE, ED (2 Pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 3: Summary of California WIA, Title II National Reporting System Core Performance Indicators for Literacy Goals from 2004–12 will be provided in an Item Addendum.
Chapter 5
Performance Measures

Section 224(b)(4) requires a description of the performance measures described in Section 212 and how such performance measures will ensure the improvement of adult education and literacy activities in the state or outlying area.

5.0 Performance Measures (Section 224(b)(4))

Pursuant to Section 212, the CDE will establish and implement a comprehensive performance accountability system. To optimize the return on investment of Federal funds in adult education and literacy activities, the accountability system will assess the effectiveness of eligible local providers’ achievement in continuously improving their adult education and literacy program delivery funded under this subtitle. All of the performance measures will apply to all funded priorities.

The CDE has established a solid basis for the development of a performance accountability system. For many years, California adult education programs have provided a competency based curriculum, instruction, and assessment that focuses on the competencies that enable learners to participate more fully within American society, as citizens, workers and family members. The CDE has developed and implemented model curriculum standards for ABE, ESL, which includes ESL-Citizenship, and ASE and standard performance descriptors at each program level. In addition, a CASAS was established that accurately measures progress and mastery of skills and competencies for completion of a program level and promotion to the next instructional level. The CASAS provides a standardized reporting scale linked to demonstrated performance of identified skills and competencies at each instructional level. These skill level descriptors and standardized scale score ranges have been incorporated into the NRS for Adult Education.

The CDE has also implemented a local program database reporting system, Tracking of Programs and Students (TOPSpro) that enables local programs to collect and report all student progress and outcome measures. It provides student, class, and program reports that enable local providers to have immediate access to the data for targeting instruction based on student goals and for continuous program improvement. It provides for the collection of the data elements needed to meet the reporting requirements of TANF programs and other workforce related programs.

5.1 Eligible Agency Performance Measures (Section 212)

Eligible local provider performance measures will include student goal attainment and demonstrated student improvements in literacy levels within a program level, student completion of a program level, student advancement to higher program levels. Additional performance measures will include receipt of a secondary school diploma or its recognized equivalent, placement in post-secondary education, and training, entered employment, and retained employment.

The tables within this section (5.1) indicate the measures, including the CASAS assessment instruments that are to be used to document improvements in literacy performance. These measures must be used by all providers for all enrolled students for each of the program priorities addressed. These priorities, described in Chapter 3, include: (1) literacy at the NALS Level 1, including ABE and ESL, which includes ESL-Citizenship; (2) literacy at the NALS Levels 1 and 2 - WL, including ABE and ESL, which includes ESL-Citizenship; (3) literacy at the NALS Level 2 - School Based literacy, including ABE and ESL, which
includes ESL-Citizenship; (4) Family literacy; and (5) ASE NALS Level 3 and above. Programs using distance learning as a mode for delivering literacy services must also meet performance measures. In addition to these measures, local providers funded for the family literacy priority must also document achievement gains of the children as well as the adults who are enrolled in the program.

In accordance with Section 212, the CDE will establish levels of performance for each of the core indicators:

1. demonstrated improvements in literacy skill levels in reading and problem solving, numeracy, writing, English language acquisition, speaking the English language, and other literacy skills;

2. placement in, retention in, or completion of postsecondary education, training, and employment; and

3. receipt of a secondary school diploma or its recognized equivalent.

They will be expressed in an objective, quantifiable, and measurable form, and will show the progress of the eligible local providers in continuously improving performance.

### 1. Demonstrated improvements in literacy skill levels

The CDE has established literacy skill levels for ABE and ESL, which includes ESL-Citizenship, that provide a standardized definition for reporting learning gains within a literacy skill level, completion of each level, and progression to a higher literacy skill level. All participating agencies will assess a student's literacy skill level upon entry into the program using standardized assessments provided by the CDE.

<table>
<thead>
<tr>
<th>Demonstrated Improvements in Literacy Skill Levels in:</th>
<th>Existing Standardized Assessment Instruments</th>
<th>In Progress/Planned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading and Problem Solving</td>
<td>Reading Appraisals, Life Skills Reading, Employability Reading Life and Work Reading, Reading for Citizenship, and Workplace Reading</td>
<td></td>
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<tr>
<td>Numeracy</td>
<td>Math Appraisals, Life Skills Math Employability Math and Workplace Math</td>
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<tr>
<td>Writing</td>
<td>Functional Writing Assessment–All Levels</td>
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<tr>
<td>English Language Acquisition</td>
<td>Life Skills Listening Employability Reading</td>
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<tr>
<td>Speaking</td>
<td>Citizenship Interview Test Workplace Speaking</td>
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<tr>
<td>Other Literacy Skills</td>
<td>Pre-Employment and Work Maturity Skills Check Lists Government and History for Citizenship Providing Options for the Workplace, Education, and Rehabilitation</td>
<td></td>
</tr>
</tbody>
</table>

- **CASAS Standardized Assessment Instruments**
2. Placement in, retention in, or completion of post-secondary education, training, or unsubsidized employment

Local providers will be required to obtain this information from their students and document the information on the TOPSpro Student Update Record. Standard definitions and documentation procedures will be identified in the CASAS Administration Manual for California. In some instances, students leave programs before this information can be obtained. To address the accurate data collection of both short term and longer-term student outcomes resulting from participation in adult education programs, the CDE will establish several pilot projects, including, but not limited to, the following:

<table>
<thead>
<tr>
<th>Placement in, retention in, or completion of:</th>
<th>Existing Standardized Reporting Instruments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postsecondary Education and Training</td>
<td>TOPSpro and follow-up survey</td>
</tr>
<tr>
<td>Entered Employment</td>
<td>TOPSpro and follow-up survey</td>
</tr>
<tr>
<td>Retained Employment</td>
<td>TOPSpro and follow-up survey</td>
</tr>
</tbody>
</table>

- Local program reporting: The CDE will build on the NRS to improve strategies that local providers use to follow-up on students who leave the program before completing their goal as well as for students who leave the program after meeting their primary goals.

- Data Matching: The CDE will identify the issues in developing and using a state level database that requires use of a student social security number to document longer-term student outcomes, such as those related to employment.

3. Attainment of secondary school diplomas or their recognized equivalent

Participating local providers will track and report the number of learners who pass the General Educational Development (GED) test, earn credits toward a high school diploma, or attain a high school diploma for those students enrolled in ASE programs. In addition, summary data obtained through the CDE statewide reports will document the number of high school diplomas earned through adult schools. The State GED office will report the number of GED Certificates issued each calendar year.

<table>
<thead>
<tr>
<th>Receipt of a secondary school diploma or GED</th>
<th>Existing Standardized Reporting Instruments</th>
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<tbody>
<tr>
<td>High School Diploma</td>
<td>TOPSpro</td>
</tr>
<tr>
<td></td>
<td>Certified list of high school diplomas</td>
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<tr>
<td>GED Certificate</td>
<td>CDE State GED Reports</td>
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<td>Data match for GED</td>
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<tr>
<td></td>
<td>TOPSpro</td>
</tr>
</tbody>
</table>
5.2 Additional Indicators

Participating local providers will report additional indicators of performance for student-identified outcomes on Student Entry and Update Records. Entry Record information includes: instructional program, instructional level, reason for enrollment, special programs enrollment, personal status, and labor force status. Update information includes: instructional program and level (at the time of update); student's status in the instructional program; learner results pertaining to work, personal/family, community, and education; reason for leaving early; sub-sections of GED passed; and high school credits earned. Additional information may be required for workplace literacy and family literacy programs.

5.3 Levels of Performance

The initial Levels of Performance are based on student progress and outcome data from federally funded ABE 321 providers in California. During the first year of the state plan, local providers began collecting progress and level completion data on students throughout the program year. Local providers used the data gained during the first year of the program to reassess and adjust their projected levels of performance for the second program year. Subsequent years' projected performance levels were established in similar fashion, incorporating other factors identified in Section 5.4, to (1) offset unmeasured student progress due to a new data collection requirement in the first year of the Title II of the Workforce Investment Act and (2) quantify a more accurate picture of actual performance — the proportion of students who completed an instructional level within a specific program year. The projected performance levels for 2011–12 and 2012–13 have been established based upon the performance levels achieved in 2009–10 and 2010–11, respectively.
## Summary of California WIA, Title II NRS Core Performance Indicators for Literacy Goals from 2004–12

<table>
<thead>
<tr>
<th></th>
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<tr>
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<td>30.0</td>
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<td>47.8</td>
<td>57.0</td>
<td>42.4</td>
<td>60.0</td>
</tr>
</tbody>
</table>
5.4 Factors (Section 212(b) (3) (A) (IV))

Student progress and outcome data in California indicate significant differences in levels of performance based on individual student characteristics. These characteristics include initial literacy skill level upon entry into the program, literacy levels of limited English proficient students in their home language, the number of years of education completed before entering the adult education program, learning and developmental disabilities, and other demographic and socio-economic variables. California serves large numbers of students who are most in need, including immigrants with low literacy skills in their native language as well as in English, institutionalized adults, adults in homeless shelters, migrant workers, and those that are unemployed or underemployed in hourly, minimum wage jobs.

Service delivery factors also affect performance such as the intensity, duration, and quality of the instructional program; convenience and accessibility of the instructional program; ability of the program to address specific learning goals and provide targeted instruction in a competency-based context related directly to student goals.

California serves an extremely diverse adult student population with a broad range of skill levels and different short and long term learning goals. Many students initially enter the program with a short-term goal but as they make progress toward their goal and experience success, they remain in the program to achieve longer term learning goals. Some, such as TANF/CalWORKs recipients and the homeless, may be unable to attend an instructional program on a regular basis because of time limits on educational participation. As a result, the performance measures must address both short and long-term goals, length of participation, initial skill levels at program entry, and use multiple student performance measures related to student goals.

Based on student characteristics and service delivery factors, the CDE has identified expected levels of performance for each of the core indicators provided for ABE and ESL, which includes ESL-Citizenship, programs. The projected skill levels for each of these programs are indicated. The CASAS Scale Score ranges at each level address the significant differences in performance for the special and diverse populations that are served by local providers. Local providers must be encouraged to continue to serve the least educated and most in need, and to evaluate with measures of performance that are most appropriate for the populations they serve. Over the life of this State Plan, the levels of performance will be analyzed and adjusted as appropriate to ensure that California continues to promote continuous improvement in performance on appropriate measures and ensure optimal return on the investment of Federal funds.

Further Information—Annual Report

The CDE will annually prepare and submit to the Secretary a report on the progress of California in achieving the stated performance measures, including information on the levels of performance achieved on the core indicators of performance. The report will include the demographic characteristics of the populations served, the attainment of student goals, progress on the core indicators of performance by program and program level, and learning gains within literacy levels, as well as level completion and movement to higher instructional levels. In the third year of the State plan, the CDE will begin to report the number of Certificates of Proficiency awarded by program level. Sub-set analyses of special populations groups will be provided and adjustments to levels of performance for these groups may be recommended based on the findings.

Levels of performance achieved for other core indicators will include student outcomes related to post-secondary education, training, unsubsidized employment or career advancement, and receipt of a high school diploma or GED Certificate.
5.5 Performance Measures for EL Civics

Funded providers will establish observable, measurable, and meaningful goals and objectives for participants in programs that are either uniquely funded by the English Literacy and Civics Education (EL Civics) funds or supplemented by them.

All funded providers will use the CASAS assessment, evaluation, and data collection system to document participant outcomes as required in Section 212. The State will provide funded agencies all the necessary software and test forms for efficient implementation of this assessment process. Given the innovative nature of the EL Civics initiative and the range of targeted outcomes that extend beyond literacy gains that can be easily captured on pencil and paper tests, in addition to the CASAS assessments, providers must also develop and/or utilize alternative strategies for documenting student outcomes. All such strategies must yield clearly identified observable, measurable, and meaningful outcomes.

All funded programs will be required to have participants submit demographic and other student outcome information through completion of student Entry and Update records. The TOPSpro data collection system collects and transmits the required data in an acceptable format.
PROGRAM MEMORANDUM OVAE/DAEL FY 2012-01

TO: State Directors of Adult Education

FROM: Brenda Dann-Messier

SUBJECT: Extension of the Adult Education and Family Literacy Act

This memorandum describes our policy in implementing an extension of the Adult Education and Family Literacy Act (AEFLA). This action is necessary to give States as much advance notice and flexibility as possible in submitting any revisions needed in current State plans, including establishment of performance levels for the coming program year.

Need for Revising Current State Plans

State plans are required for States to receive allotments under AEFLA. Last year, the Office of Vocational and Adult Education (OVAE) approved a one-year extension of operating plans, but those extensions will expire on June 30, 2012. The States and OVAE need to agree upon new performance targets for the coming year, and the new targets must be incorporated into the existing State plans as a revision.

As you know, there is a great variation in adult education performance outcomes among the States. We have in place a data quality checklist that State directors must use to certify data accuracy, when data is submitted to OVAE.

Requirements for Revising Current State Plans

Set forth here is the process to complete State plan revisions (See AEFLA sections 224(c) and (d)):

1. Revisions, including the agreed upon new performance targets, must be submitted to OVAE no later than April 2, 2012. Each State must indicate whether it intends to extend current grants for one year, or conduct a one-year competition.

2. It is advisable to discuss proposed targets with OVAE prior to submission, to ensure that levels are appropriate and approvable. Beginning in late February, OVAE will start contacting State directors by telephone to discuss the proposed Program Year 2012-2013 performance levels.
3. Revisions must be submitted to the Governor, and any comments made by the Governor must be submitted to OVAE with the plan revisions.

4. Revisions must include any new uses of funds incorporated in the existing State plan.

5. Revisions must include updated certifications and assurances with original signatures.

Please feel free to contact your area coordinator for technical assistance in meeting these requirements. We look forward to working with you.

Attachments
United States Department of Education

Office of Vocational and Adult Education

Date Stamp - December 20, 2011

Program Memorandum OVAE/DAEL FY 2012-01

To: State Directors of Adult Education

From: Brenda Dann-Messier (with Initial/Signature)

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Attachments

400 Maryland Ave. S.W., Washington, DC 20202
The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering education excellence and ensuring equal access.

Questions: State Board of Education | 916-319-0827

Last Reviewed: Monday, February 27, 2012
SUMMARY OF THE ISSUE(S)

The Elementary and Secondary Education Act (ESEA) provides federal funding that may be available to local educational agencies (LEAs) [defined as districts, county offices of education, and direct-funded charter schools] for a variety of programs. Currently, only new direct-funded charter schools submit an LEA Plan as part of the application for ESEA funding. California Department of Education (CDE) program staff review LEA Plans for compliance with the requirements of ESEA before recommending approval to the State Board of Education (SBE).

RECOMMENDATION

The CDE recommends that the SBE approve 25 direct-funded charter school LEA Plans listed in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

The federal ESEA Section 1112(e)(2) states that the state educational agency (SEA) shall approve an LEA’s Plan if the SEA determines that the LEA’s Plan is designed to enable its schools to substantially help children meet the academic standards expected for all children. The approval of an LEA Plan by the local school board and by the SBE is a requirement for receiving federal funding sub-grants for ESEA programs. The LEA Plan includes specific descriptions and assurances as outlined in the provisions included in ESEA.

The purpose of the LEA Plan is to develop an integrated, coordinated set of actions that LEAs will take to ensure that they meet certain programmatic requirements, including student academic services designed to increase student achievement and performance, coordination of services, needs assessments, consultations, school choice, supplemental services, services to homeless students, and others as required.
BRIEF HISTORY OF KEY ISSUES (Cont.)

CDE program staff review LEA Plans for compliance with the requirements of the ESEA including evaluation of goals and activities designed to improve student performance in reading and mathematics; improve programs for English learner students; improve professional development and ensure the provision of highly qualified teachers; ensure that school environments are safe, drug-free, and conducive to learning; and promote efforts regarding graduation rates, dropout prevention, and advanced placement. If an LEA Plan lacks the required information, CDE program staff works with the LEA to ensure the necessary information is included in the LEA Plan before recommending approval.

Following initial CDE review and SBE approval, all LEAs are expected to annually review their Plans and update them as necessary. Any changes to the LEA Plan must be approved by an LEA’s local governing board.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since the current LEA Plan process was developed in July 2003 as a requirement of the ESEA, the SBE has approved 1,603 LEA Plans.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to state operations.

ATTACHMENT(S)

Attachment 1: Direct-Funded Charter Schools Recommended for State Board of Education Approval (2 Pages)

Attachment 2: Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans (9 Pages)
## Direct-Funded Charter Schools Recommended for State Board of Education Approval

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<th>Local Educational Agency Name</th>
<th>County-District-School Code</th>
<th>Academic Performance Data</th>
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<tr>
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<td>Anchor Academy</td>
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<td>Capitol Collegiate Academy</td>
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<td>See Attachment 2</td>
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<td>Coleman Tech Charter High School</td>
<td>37-68338-0122788</td>
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<td>Early College Academy for Leaders and Scholars</td>
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<td>Gateway Middle School</td>
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Direct-Funded Charter Schools Recommended  
For State Board of Education Approval

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### Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

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<th>LEA Name: Academy of Alameda</th>
<th>Met All Adequate Yearly Progress (AYP) Criteria</th>
<th>English-Language Arts</th>
<th>Mathematics</th>
<th>Academic Performance Index (API)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Met 2011 AYP Criteria?</td>
<td>Percent At or Above Proficient (67.6%)</td>
<td>Percent At or Above Proficient (68.5%)</td>
<td>Met 2011 AYP Criteria?</td>
</tr>
<tr>
<td>Schoolwide</td>
<td>No, made 16 of 29</td>
<td>51.4</td>
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<td>39.6</td>
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<td>No</td>
<td>19.6</td>
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<tr>
<td>American Indian or Alaska Native</td>
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<tr>
<td>Asian</td>
<td>54.1</td>
<td>No</td>
<td>56.1</td>
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<td>Filipino</td>
<td>59.4</td>
<td>No</td>
<td>41.2</td>
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<tr>
<td>Hispanic or Latino</td>
<td>45.6</td>
<td>No</td>
<td>29.4</td>
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<td>Native Hawaiian or Pacific Islander</td>
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<tr>
<td>White (not of Hispanic origin)</td>
<td>72.2</td>
<td>Yes</td>
<td>55.7</td>
<td>Yes</td>
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<tr>
<td>Two or More Races</td>
<td>52.8</td>
<td>No</td>
<td>39.6</td>
<td>No</td>
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<tr>
<td>Socioeconomically Disadvantaged</td>
<td>41.8</td>
<td>No</td>
<td>30.9</td>
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<td>English Learners</td>
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<td>No</td>
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<td>Students with Disabilities</td>
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<td>16.2</td>
<td>No</td>
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</tbody>
</table>

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** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.
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## Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

<table>
<thead>
<tr>
<th>LEA Name: Anchor Academy Charter</th>
<th>English-Language Arts</th>
<th>Mathematics</th>
<th>Academic Performance Index (API)</th>
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<tbody>
<tr>
<td>CDS CODE: 10-76778-0122770</td>
<td>Met All Adequate Yearly Progress (AYP) Criteria</td>
<td>Percent At or Above Proficient (67.6%)</td>
<td>Met 2011 AYP Criteria?</td>
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<tr>
<td>Schoolwide No, met 3 of 4</td>
<td>8.3</td>
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<tr>
<td>African American or Black</td>
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<td>(not of Hispanic origin)</td>
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<tr>
<td>American Indian or Alaska Native</td>
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<tr>
<td>Asian</td>
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<tr>
<td>Filipino</td>
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<tr>
<td>Hispanic or Latino</td>
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<td>Socioeconomically</td>
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<tr>
<td>Students with Disabilities</td>
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</table>

-- Indicates no data are available.

** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.

***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2010 API criteria for meeting federal AYP: a minimum "2011 Growth API" score of 710 OR "2010–11 Growth" of at least one point.

NA: school did not have a valid 2010 API base and there is no Growth or target information.
### Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

<table>
<thead>
<tr>
<th>LEA Name: Ceiba College Preparatory Academy</th>
<th>CDS CODE: 44-69799-0117804</th>
<th>English-Language Arts</th>
<th>Mathematics</th>
<th>Academic Performance Index (API)</th>
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<td>Percent At or Above Proficient (67.6%)</td>
<td>Met 2011 AYP Criteria?</td>
<td>Percent At or Above Proficient (68.5%)</td>
</tr>
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<td>Schoolwide</td>
<td>No, met 10 of 17</td>
<td>62.4</td>
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<td>American Indian or Alaska Native</td>
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<tr>
<td>Filipino</td>
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<td>Two or More Races</td>
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<td>Students with Disabilities</td>
<td>72.2</td>
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<td>55.6</td>
<td>**</td>
</tr>
</tbody>
</table>

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***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2010 API criteria for meeting federal AYP: a minimum “2011 Growth API” score of 710 OR “2010–11 Growth” of at least one point.
SH = Passed by safe harbor: The school, LEA, or subgroup met the criteria for safe harbor, which is an alternate method of meeting the Annual Measurable Objective (AMO) if a school, an LEA, or a subgroup shows progress in moving students from scoring at the below proficient level to the proficient level.
### Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

<table>
<thead>
<tr>
<th>LEA Name: Coleman Tech Charter High</th>
<th>Met All Adequate Yearly Progress (AYP) Criteria</th>
<th>English-Language Arts</th>
<th>Mathematics</th>
<th>Academic Performance Index (API)</th>
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<tr>
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<td>Percent At or Above Proficient (66.1%)</td>
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</tr>
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<td>Schoolwide</td>
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<td>**</td>
<td>Yes (CI)</td>
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<td>African American or Black (not of Hispanic origin)</td>
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<td>Two or More Races</td>
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<td>Socioeconomically Disadvantaged</td>
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<td>English Learners</td>
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<tr>
<td>Students with Disabilities</td>
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</tr>
</tbody>
</table>

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***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2010 API criteria for meeting federal AYP: a minimum "2011 Growth API" score of 710 OR "2010–11 Growth" of at least one point.
CI = Passed using confidence intervals: Small schools and LEAs with fewer than 100 valid scores have adjusted AMOs to account for the small number of test scores. These schools and LEAs met the adjusted percent proficient criteria using a confidence interval methodology. Very small schools and LEAs with fewer than 11 valid scores have adjusted API criteria to account for the very small number of test scores. These schools and LEAs met the adjusted API criteria using confidence interval methodology.
<table>
<thead>
<tr>
<th>LEA Name: Fresno Academy for Civic and Entrepreneurial CDS CODE: 10-62166-0115196</th>
<th>Met All Adequate Yearly Progress (AYP) Criteria</th>
<th>English-Language Arts</th>
<th>Mathematics</th>
<th>Academic Performance Index (API)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Percent At or Above Proficient (66.7%)</td>
<td>Met 2011 AYP Criteria?</td>
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<td>American Indian or Alaska Native</td>
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</tr>
<tr>
<td>Asian</td>
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<tr>
<td>Filipino</td>
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<tr>
<td>Hispanic or Latino</td>
<td>33.3</td>
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<tr>
<td>White (not of Hispanic origin)</td>
<td>72.7</td>
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<td>54.5</td>
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<tr>
<td>Two or More Races</td>
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<td>English Learners</td>
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<td>27.3</td>
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<td>Students with Disabilities</td>
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</table>

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# Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval
of Local Educational Agency Plans

<table>
<thead>
<tr>
<th>LEA Name: Golden Valley Charter School of Sacramento</th>
<th>English-Language Arts</th>
<th>Mathematics</th>
<th>Academic Performance Index (API)</th>
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</thead>
<tbody>
<tr>
<td>CDS CODE: 34-67447-0114983</td>
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### Met All Adequate Yearly Progress (AYP) Criteria

<table>
<thead>
<tr>
<th>Schoolwide</th>
<th>Met All Adequate Yearly Progress (AYP) Criteria</th>
<th>Percent At or Above Proficient (67.6%)</th>
<th>Met 2011 AYP Criteria?</th>
<th>Percent At or Above Proficient (68.5%)</th>
<th>Met 2011 AYP Criteria?</th>
<th>2010 Base API</th>
<th>2011 Growth API</th>
<th>Met 2010–11 Growth API Targets***</th>
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<td>No, met 11 of 13</td>
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<td>49.8</td>
<td>Yes (SH)</td>
<td>766</td>
<td>764</td>
<td>Yes</td>
</tr>
</tbody>
</table>

- ** indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.

### School Subgroups

- **Indicates no data are available.

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## Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval
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| LEA Name: Los Feliz Charter School for the Arts  
<table>
<thead>
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<th></th>
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<td>Percent At or Above Proficient (67.6%)</td>
<td>Met 2011 AYP Criteria?</td>
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<td>White (not of Hispanic origin)</td>
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<td>74.3</td>
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<td>47.6</td>
<td>Yes (SH)</td>
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<td>38.5</td>
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<tr>
<td>Students with Disabilities</td>
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<td>26.3</td>
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</table>

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Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

<table>
<thead>
<tr>
<th>LEA Name: Public Safety Academy of San Bernardino</th>
<th>Met All Adequate Yearly Progress (AYP) Criteria</th>
<th>English-Language Arts</th>
<th>Mathematics</th>
<th>Academic Performance Index (API)</th>
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<td>Percent At or Above Proficient (66.1%)</td>
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<td>Students with Disabilities</td>
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</table>

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### Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

| LEA Name: The Blue Oak School  
<table>
<thead>
<tr>
<th>CDS CODE: 04-61424-6119523</th>
<th>Met All Adequate Yearly Progress (AYP) Criteria</th>
<th>English-Language Arts</th>
<th>Mathematics</th>
<th>Academic Performance Index (API)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Met 2011 AYP Criteria?</td>
<td>Percent At or Above Proficient (67.6%)</td>
<td>Met 2011 AYP Criteria?</td>
<td>Percent At or Above Proficient (68.5%)</td>
</tr>
<tr>
<td>Schoolwide</td>
<td>No, made 12 of 13</td>
<td>46.4</td>
<td>No</td>
<td>40.8</td>
</tr>
<tr>
<td>African American or Black (not of Hispanic origin)</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Asian</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Filipino</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>30.8</td>
<td>**</td>
<td>28.0</td>
<td>**</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>White (not of Hispanic origin)</td>
<td>49.4</td>
<td>Yes (SH)</td>
<td>42.8</td>
<td>Yes (SH)</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>41.3</td>
<td>Yes (SH)</td>
<td>35.0</td>
<td>Yes (SH)</td>
</tr>
<tr>
<td>English Learners</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
</tbody>
</table>

-- Indicates no data are available.
** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.

***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2010 API criteria for meeting federal AYP: a minimum “2011 Growth API” score of 710 OR “2010–11 Growth” of at least one point.

SH = Passed by safe harbor: The school, LEA, or subgroup met the criteria for safe harbor, which is an alternate method of meeting the Annual Measurable Objective (AMO) if a school, an LEA, or a subgroup shows progress in moving students from scoring at the below proficient level to the proficient level.
### SUBJECT

Approval of 2011–12 Consolidated Applications.

- Action
- Information

### SUMMARY OF THE ISSUE(S)

Each local educational agency (LEA) must submit a complete and accurate Consolidated Application (ConApp) each fiscal year in order for the California Department of Education (CDE) to send funding to LEAs for any or all of the categorical funds contained in the ConApp for which they are eligible. The ConApp is the annual fiscal companion to the LEA Plan. The State Board of Education (SBE) is asked to annually approve the ConApps for more than 1,535 school districts, county offices of education, and direct-funded charter schools.

### RECOMMENDATION

The CDE recommends that the SBE approve the 2011–12 ConApps submitted by LEAs in Attachment 1.

### BRIEF HISTORY OF KEY ISSUES

Each year, the CDE, in compliance with California Code of Regulations, Title 5, Section 3920, recommends that the SBE approve applications for funding Consolidated Categorical Aid Programs submitted by LEAs. Prior to receiving funding, the LEA must also have a SBE-approved LEA Plan that satisfies the SBE’s and CDE’s criteria for utilizing federal and state categorical funds.

Approximately $2.9 billion of state and federal funding is distributed annually through the ConApp process. The 2011–12 ConApp consists of six federal programs and only one state-funded program. The state funding source is Economic Impact Aid (which is used for State Compensatory Education and/or English learners). The federal funding sources include:
BRIEF HISTORY OF KEY ISSUES (Cont.)

- Title I, Part A Basic Grant (Low Income);
- Title I, Part D (Delinquent);
- Title II, Part A (Teacher Quality);
- Title III, Part A (Immigrant);
- Title III, Part A (Limited English Proficient Students); and
- Title VI, Part B (Rural, Low-Income).

The CDE provides the SBE with two levels of approval recommendations. Regular approval is recommended when an LEA has submitted a correct and complete ConApp, Part I, and has no compliance issues or is making satisfactory progress toward resolving one or two noncompliant issues that are less than 365 days. Conditional approval is recommended when an LEA has submitted a correct and complete ConApp, Part I, but has one or more noncompliant issues that is/are unresolved for over 365 days. Conditional approval by the SBE provides authority to the LEA to spend its categorical funds under the condition that it will resolve or make significant progress toward resolving noncompliant issues. In extreme cases, conditional approval may include the withholding of funds.

Attachment 1 identifies the LEAs that have no outstanding noncompliant issues or are making satisfactory progress toward resolving one or two noncompliant issues that is/are unresolved for less than 365 days. The CDE recommends regular approval of the 2011–12 ConApp for these 2 LEAs. Attachment 1 also includes ConApp entitlement figures from school year 2010–11 because the figures for 2011–12 have not yet been determined. Fiscal data are absent if an LEA is new or is applying for direct funding for the first time.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

To date, the SBE has approved 2011–2012 ConApps for 1,580 LEAs. Attachment 1 represents the fourth set of 2011–12 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 more than 1,535 LEAs. The cost to track the noncompliant status of LEAs related to programs within the ConApp is covered through a cost pool of federal funds and Economic Impact Aid funds. CDE staff communicates with LEA staff on an ongoing basis to determine the evidence needed to resolve issues, reviews the evidence provided by LEA staff, and maintains a tracking system to document the resolution process.

ATTACHMENT(S)

Attachment 1: Consolidated Applications List (2011–12) - Regular Approvals (1 Page)
Consolidated Applications List (2011–12) – Regular Approvals

The following local educational agencies (LEAs) have submitted a correct and complete ConApp, Part I, and have no compliance issues or are making satisfactory progress toward resolving one or two noncompliant issues that are less than 365 days. The California Department of Education recommends regular approval of these applications.

<table>
<thead>
<tr>
<th>CD Code</th>
<th>School Code</th>
<th>Local Educational Agency Name</th>
<th>Total 2010–11 ConApp Entitlement</th>
<th>Total 2010–11 Entitlement Per Student</th>
<th>Total 2010–11 Title I Entitlement</th>
<th>2010–11 Percent At or Above Proficiency - Language Arts</th>
<th>2010–11 Percent At or Above Proficiency - Math</th>
</tr>
</thead>
<tbody>
<tr>
<td>1964733</td>
<td>1932623</td>
<td>El Camino Real Senior High</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>67.7</td>
</tr>
<tr>
<td>5071159</td>
<td>0000000</td>
<td>La Grange Elementary</td>
<td>$6,750</td>
<td>$964</td>
<td>$0</td>
<td>$964</td>
<td>63.6</td>
</tr>
</tbody>
</table>

The 2010–11 targets for elementary and middle schools are 67.6 percent for Language Arts and 68.5 percent for Math. The 2010–11 targets for high schools are 66.7 percent for Language Arts and 66.1 percent for Math.

Total Number of LEAs in the report: 2
Total ConApp entitlement funds for districts receiving regular approval: $6,750
## 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.

<table>
<thead>
<tr>
<th>Action</th>
<th>Information</th>
<th>Public Hearing</th>
</tr>
</thead>
</table>

## SUMMARY OF THE ISSUE(S)

California Education Code sections 47612.5 and 47634.2 specifies that a charter school may receive apportionment funding for nonclassroom–based instruction only if a determination of funding is made by the State Board of Education (SBE). The charter schools listed in Attachment 1 are requesting SBE approval of their determination of funding request. Approval of this request will allow the charter schools listed in Attachment 1 to receive apportionment funding.

## RECOMMENDATION

### California Department of Education Recommendation

Pursuant to California Code of Regulations, Title 5 sections 11963.3, 11963.4, and 11963.6(a), the California Department of Education (CDE) recommends that the SBE approve a determination of funding, identified in Attachment 1, for charter schools that offer nonclassroom-based instruction.

### Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools met on February 8, 2012, and voted to recommend approval of the determination of funding request for the charter schools identified in Attachment 1. The motion passed unanimously.
BRIEF HISTORY OF KEY ISSUES

Charter schools requesting a determination of full (100 percent) funding must meet the following criteria:

- At least 40 percent of the school’s estimated 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 estimated revenues are to be spent on instruction and related services.
- The estimated ratio of average daily attendance for independent study pupils to full-time certificated employees does not exceed a pupil-teacher ratio of 25:1.
- Each school is a new charter school in its first year of operation.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction. The CDE notes that this request is a recurring action item for the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the charter schools listed in Attachment 1 would receive apportionment funding under the charter school block grant funding model. Funding is based on the statewide average funding levels for each grade span (kindergarten through grade three, grades four through six, grades seven through eight, and grades nine through twelve). Calculations use revenue limits for unified, elementary, and high school districts.

ATTACHMENTS

Attachment 1: California Department of Education Determination of Funding Recommendation (1 Page).

Attachment 2: Excerpts from the California Education Code and the California Code of Regulations (9 Pages).
Recommendation – Newly Operational Charter Schools  
Fiscal Year 2011–12 through 2012–13

<table>
<thead>
<tr>
<th>Charter Number</th>
<th>County</th>
<th>School</th>
<th>First Year of Operation</th>
<th>CDE Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1309</td>
<td>Stanislaus</td>
<td>eCademy Charter at Crane</td>
<td>2011–12</td>
<td>100% 2 Years</td>
</tr>
<tr>
<td>1319</td>
<td>Santa Barbara</td>
<td>Trivium Charter</td>
<td>2011–12</td>
<td>100% 2 Years</td>
</tr>
<tr>
<td>1321</td>
<td>San Diego</td>
<td>Diego Valley Public</td>
<td>2011–12</td>
<td>100% 2 Years</td>
</tr>
<tr>
<td>1322</td>
<td>San Bernardino</td>
<td>Hope Academy Charter</td>
<td>2011–12</td>
<td>100% 2 Years</td>
</tr>
<tr>
<td>1327</td>
<td>Riverside</td>
<td>Southern California Online Academy</td>
<td>2011–12</td>
<td>100% 2 Years</td>
</tr>
<tr>
<td>1335</td>
<td>Fresno</td>
<td>Ambassador Phillip V. Sanchez Public Charter</td>
<td>2011–12</td>
<td>100% 2 Years</td>
</tr>
<tr>
<td>1337</td>
<td>Kern</td>
<td>California Pacific Charter School of Kern</td>
<td>2011–12</td>
<td>100% 2 Years</td>
</tr>
<tr>
<td>1351</td>
<td>San Diego</td>
<td>Guajome Learning Centers</td>
<td>2011–12</td>
<td>100% 2 Years</td>
</tr>
<tr>
<td>1363</td>
<td>Riverside</td>
<td>Pivot Charter School Riverside County</td>
<td>2011–12</td>
<td>100% 2 Years</td>
</tr>
<tr>
<td>1364</td>
<td>Butte</td>
<td>Pivot Charter School North Valley</td>
<td>2011–12</td>
<td>100% 2 Years</td>
</tr>
</tbody>
</table>
Excerpts from the California Education Code and the California Code of Regulations with Regard to Determination of Funding Requests

California Education Code Section 47612.5
General Requirements
(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.

(d)(2) Except as provided in paragraph (2) of subdivision (b) of Section 47634.2, a charter school that receives a determination pursuant to subdivision (b) of Section 47634.2 is not required to reapply annually for a funding determination of its nonclassroom-based instruction program if an update of the information the State Board of Education reviewed when initially determining funding would not require material revision, as that term is defined in regulations adopted by the board. A charter school that has achieved a rank of 6 or greater on the Academic Performance Index for the two years immediately prior to receiving a funding determination pursuant to subdivision (b) of Section 47634.2 shall receive a five-year determination and is not required to annually reapply for a funding determination of its nonclassroom-based instruction program if an update of the information the State Board of Education reviewed when initially determining funding would not require material revision, as that term is defined in regulations adopted by the board. Notwithstanding any provision of law, the State Board of Education may require a charter school to provide updated information at any time it determines that a review of that information is necessary. The State Board of Education may terminate a determination for funding if updated or additional information requested by the board is not made available to the board by the charter school within a reasonable amount of time or if the information otherwise supports termination. A determination for funding pursuant to Section 47634.2 may not exceed five years.

California Education Code Section 47634.2
Nonclassroom-based instruction; funding determinations and allocations
(a)(1) Notwithstanding any other provision of law, the amount of funding to be allocated to a charter school on the basis of average daily attendance that is generated by pupils
engaged in nonclassroom-based instruction, as defined by paragraph (2) of subdivision (d) of Section 47612.5, including funding provided on the basis of average daily attendance pursuant to Sections 47613.1, 47633, 47634, and 47664, shall be adjusted by the State Board of Education. The State Board of Education shall adopt regulations setting forth criteria for the determination of funding for nonclassroom-based instruction, at a minimum the regulation shall specify that the nonclassroom-based instruction is conducted for the instructional benefit of the pupil and substantially dedicated to that function. In developing these criteria and determining the amount of funding to be allocated to a charter school pursuant to this section, the State Board of Education shall consider, among other factors it deems appropriate, the amount of the charter school’s total budget expended on certificated employee salaries and benefits and on schoolsites, as defined in paragraph (3) of subdivision (d) of Section 47612.5, and the teacher-to-pupil ratio in the school.

California Code of Regulations, Title 5 Section 11963.3
Determination of Funding Request Forms and Calculations
a) For purposes of submitting a determination of funding request, the California Department of Education shall issue a form or set of forms to collect the information specified in this subdivision. Unless otherwise indicated, charter schools submitting a determination of funding request shall complete the form or forms in accordance with the definitions used in the 2005 edition of the California School Accounting Manual (which can be obtained from the California Department of Education web site at: http://www.cde.ca.gov/fg/ac/sa). The form or forms shall be developed by the California Department of Education in consultation with the Advisory Commission on Charter Schools. The form or forms shall include all of the following and, to the extent the form or forms include more than the following, the form or forms shall require the approval of the State Board of Education and comply with applicable provisions of the Administrative Procedure Act.

(1) The name, charter number, authorizing entity, address, contact name and title, telephone number, fax number, and email address, if any, for the charter school.

(2) The percentage requested by the school as its determination of funding.

(3) The number of fiscal years for which the determination of funding is requested, which shall not exceed five years.

(4) The date the charter was initially granted and the date the charter or charter renewal will expire.

(5) For charter schools that operated in the prior fiscal year, all of the following:

(A) The school's total resources, including all federal revenue, with federal Public Charter School Grant Program start-up, implementation, and dissemination grants separately identified; all state revenue; all local revenue with in-lieu property taxes separately identified; other financing sources; and the ending balance from the prior fiscal year.
(B) The school's total expenditures for instruction and related services, by object of expenditure, which shall include all of the following:

1. Activities dealing with the interaction between teaching staff and students, without regard to the instructional location or medium.

2. Services that provide administrative, technical, and logistical support to facilitate and enhance instruction.

3. Services in direct support of students.

4. School-sponsored extra-curricular or co-curricular activities designed to provide motivation and enjoyment and improvement of skills.

5. Instructional materials, supplies, and equipment.

(C) The school's total expenditures for schoolsite and administrative site operations and facilities, by object of expenditure, which shall include all of the following:

1. Activities concerned with securing and keeping open and working the physical plants, grounds, and equipment necessary for the operation of the school.

2. Facility rents, leases, and utilities.

3. Facilities acquisition and construction.

(D) The school's total expenditures for administration and all other activities, by object of expenditure, which shall include all of the following:

1. Activities concerned with establishing and administering policy for operating the entire charter school, such as the governing board, director, and administrative staff.

2. Other general administration activities, such as payroll and accounting services, auditing and legal services, property and liability insurance, personnel, charter-wide telephone service, and data processing services.

3. Supervisorial oversight fees charged by the chartering authority.

4. Other expenditures not reported elsewhere, such as those for community services and enterprise activities and cumulative administrative overhead from related party transactions.

(E) Other outgo and other uses, including debt service payments and transfers.
(F) The excess (or deficiency) of revenues over expenditures calculated by subtracting the total of subparagraphs (B), (C), (D), and (E), from the total resources reported pursuant to subparagraph (A), and a list of the amount of reserves for: facilities acquisition or construction, economic uncertainties, the amount required by the charter-authorizing entity, or other reserves. Reserves in excess of the greater of fifty-thousand dollars or five percent of total expenditures may be allowed for economic uncertainties or long-term expenditures such as capital projects if the excess reserves are satisfactorily explained pursuant to section 11963.4(b).

(6) For charter schools that did not operate in the prior fiscal year, the revenue and expenditure information required in paragraph (5) shall be provided using reasonable estimates of current-year annualized revenues and expenditures.

(b) In addition to the form or forms prescribed pursuant to subdivision (a), a complete determination of funding request shall also include the following information. Only a determination of funding request that is complete may be acted upon by the State Board of Education.

(1) A certification signed by the charter school's director, principal, or governing board chairperson of the following:

(A) That the information provided is true and correct to the best of the ability and knowledge of the individual authorized to do so by the charter school's governing board.

(B) That the charter school's nonclassroom-based instruction is conducted for and substantially dedicated to the instructional benefit of the school's students.

(C) That the governing board of the charter school has adopted and implements conflict of interest policies.

(D) That all of the charter school's transactions, contracts, and agreements are in the best interest of the school and reflect a reasonable market rate for all goods, services, and considerations rendered for or supplied to the school.

(2) The charter school's pupil-teacher ratio as calculated pursuant to title 5, section 11704 of the California Code of Regulations.

(3) A listing of entities that received in the previous fiscal year (or will receive in the current fiscal year) $50,000 or more or 10 percent or more of the charter school's total expenditures identified pursuant to subparagraphs (B), (C), (D), and (E) of paragraph (5) of subdivision (a), the amount received by each entity; whether each of the contract payments is based on specific services rendered or upon an amount per unit of average daily attendance or some other percentage; and an identification of which entities, if any, have contract payments based on a per unit average daily attendance amount or some other percentage.
(4) An identification of the members comprising the charter school's governing board (i.e., parent, teacher, etc.) and a description of how those members were selected; whether the governing board has adopted and implemented conflict of interest policies and procedures; and whether any of the governing board members are affiliated in any way with any of the entities reported pursuant to paragraph (3) and if so, how.

(5) An explanation of all transfers reported pursuant to subparagraph (E) of paragraph (5) of subdivision (a).

(6) A list and the amount of each of the other reserves reported pursuant to subparagraph (F) of paragraph (5) of subdivision (a).

(7) To the extent that a charter school desires to have facility costs considered as an instructional cost, the total annual facility-related and operational cost, total facility square footage occupied by the charter school, total classroom-based average daily attendance (if applicable) as reported at the prior-year second principal apportionment, and the total student hours attended by nonclassroom-based pupils at the school site shall be provided.

(8) The number of full-time equivalent employees who possess a valid teaching certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold issued by the Commission on Teacher Credentialing and who work in the charter school in a position required to provide direct instruction or direct instructional support to students. For purposes of these regulations, “direct instructional support” includes, but is not limited to, activities that are directly related to student instruction that are performed by qualified certificated persons such as curriculum coordinators, individualized education plan coordinators, librarians, counselors, psychologists, and nurses.

(c) The California Department of Education shall perform the following using the resource and expenditure data provided pursuant to subdivision (a).

(1) A calculation showing the charter school's total expenditures for salaries and benefits for all employees who possess a valid teaching certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold issued by the Commission on Teacher Credentialing (and who work in the charter school in a position required to provide direct instruction or direct instructional support to students) as a percentage of the school's total public revenues. For the purposes of this subdivision:

(A) “Employees” shall include special education teachers who possess a valid teaching certificate, permit, or other document equivalent to that which special education teachers in non-charter public schools would be required to hold issued by the Commission on Teacher Credentialing, and who provide direct instruction or direct instructional support to pupils of the charter school pursuant to a contract with a public or private entity.
(B) “Employees” shall include individuals who possess a valid certificate, permit, or other document equivalent to that which the individuals would be required to possess in a non-charter public school, issued by the Commission on Teacher Credentialing, and who are employed by a local education agency (LEA), provided all of the following conditions are met: the LEA is the employer of all the charter school's staff; the governing board of the LEA is the governing authority for the charter school (i.e., the charter school is not a corporate entity separate from the LEA); and the LEA’s employees are assigned exclusively to work at the charter school providing direct instruction or direct instructional support to students or, to the extent that the LEA's employees are assigned to work at the charter school on a part-time basis, the charter school pays for the services rendered by the employee providing direct instruction or direct instructional support to students or, to the extent that the LEA's employees are assigned to work at the charter school on a part-time basis, the charter school pays for the services rendered by the LEA's employees on a documented, fee-for-service basis and not, for example, on the basis of a fixed annual amount, fixed percentage of average daily attendance revenue, or other basis that is not related to documented services actually rendered to the charter school. Under no circumstances shall certificated employees of an LEA be considered employees of a charter school for purposes of this subparagraph unless the charter school pays for the services rendered by the LEA's employees on a documented, fee-for-service basis.

(C) For purposes of this section, “employee” also means qualified persons that provide direct instruction or direct instructional support, that are hired directly by the charter school through an employment services contract based on a documented, fee-for-service basis.

(D) The school's total public revenue is based on the amounts reported pursuant to subparagraph (A) of paragraph (5) of subdivision (a) and equals the sum of: all federal revenue, less any Public Charter School Grant Program start-up, implementation, and dissemination grant funds; state revenue; and local revenue from in-lieu property taxes.

(2) A calculation showing the charter school's total expenditures on instruction and related services as a percentage of the school's total revenues. For the purposes of this subdivision, the school's total revenues do not include the ending balance from the prior fiscal year.

California Code of Regulations, Title 5 Section 11963.4
Evaluation of Determination of Funding Requests Regarding Nonclassroom-Based Instruction

(a) When a complete determination of funding request is received from a charter school, it shall be reviewed by the California Department of Education and presented to the Advisory Commission on Charter Schools, along with credible information pertaining to the request obtained from any other source. The Advisory Commission shall develop a recommendation pursuant to this section to the State Board of Education regarding the request, and that recommendation shall be presented to the State Board of Education by the California Department of Education. The following criteria shall guide the process of reviewing and developing a recommendation on the request. The California Department of Education shall report any difference of opinion between the California Department of
Education and the Advisory Commission as to the recommendation presented to the State Board of Education.

(1) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 equals at least 35 percent but less than 40 percent, and the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 equals at least 60 percent but less than 70 percent, 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. If the recommended percentage is lower than the requested percentage, the recommendation to the State Board shall include the reasons justifying the reduction and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school.

(2) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 equals or exceeds 40 percent, and the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 equals at least 70 percent but less than 80 percent, the Advisory Commission on Charter Schools shall recommend to the State Board of Education approval of the request at 85 percent, unless there is a reasonable basis to recommend otherwise. The recommendation to the State Board shall include the reasons justifying a percentage that is greater than 70 percent and, if the recommended percentage is lower than the requested percentage, the reasons justifying the reduction and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school.

(3) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 equals or exceeds 40 percent, the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 equals or exceeds 80 percent, and the ratio of average daily attendance for independent study pupils to full-time certificated employees responsible for independent study does not exceed a pupil-teacher ratio of 25:1 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, in the county or counties in which the charter school operates, the Advisory Commission on Charter Schools shall recommend to the State Board of Education approval of the request at 100 percent (i.e. full funding), unless there is a reasonable basis to recommend otherwise. If the recommended percentage is lower than the requested percentage, the recommendation to the State Board shall include the reasons justifying the reduction and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school.

(4) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 is less than 35 percent, or the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 is less than 60 percent, then the charter school’s nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students, and the Advisory Commission on Charter Schools shall recommend that the State Board of Education deny the request, unless there is a reasonable basis to
recommend otherwise. The recommendation to the State Board shall include the reasons justifying the denial and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school. Denial of a determination of funding request by the State Board of Education 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 Education Code section 47634.2(c).

(5) Any request for a funding determination received prior to the effective date of these regulations will be reviewed pursuant to the criteria in effect at the time of submittal.

(b) The Advisory Commission on Charter Schools and/or the California Department of Education may ask the charter school to provide additional information in order to make possible a more detailed review or to develop a reasonable basis for a recommendation other than those prescribed in subdivision (a). With the consent of the Superintendent of Public Instruction, the request for additional information shall be considered a reasonable inquiry to which the charter school must respond pursuant to Education Code section 47604.3.

(c) Any multi-year funding determination approved by the State Board of Education may be modified by the State Board of Education, in terms of both the multi-year approval and the percentage of funding authorized, if any information that may change the conclusion to approve the original multi-year funding determination is found.

(d) Prior to a recommendation by the Advisory Commission on Charter Schools (that a determination of funding request be denied or approved at a percentage lower than that requested) being forwarded to the State Board of Education, the affected charter school shall be given thirty (30) calendar days in which to amend its determination of funding request and/or to provide additional information in support of the request. Based upon consideration of the amended request or any additional information that may be provided, the Advisory Commission may modify its recommendation to the State Board.

(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.
California Code of Regulations, Title 5 Section 11963.6
Submission and Action on Determination of Funding Requests Regarding
Nonclassroom-Based Instruction
(a) An approved determination of funding for a new charter school in its first year of
operation shall be submitted by December 1 and shall be for two fiscal years. Within 90
days after the end of its first fiscal year of operation, a charter school shall submit
unaudited actual expense reports and a funding determination form based on the school’s
actual second-year budget. If the Advisory Commission on Charter Schools determines that
the actual expenditures of the charter school or the second year funding determination form
do not support the funding determination for the second year, the Advisory Commission on
Charter Schools shall recommend that the State Board of Education revise the funding
determination.

(c) Any determination of funding request approved by the State Board of Education for an
existing nonclassroom-based charter school from the 2006-07 fiscal year forward shall be
prospective (not for the current year), in increments of a minimum of two years and a
maximum of five years in length. Beginning with the 2007-08 fiscal year, nonclassroom-
based charter schools that had a funding determination in the prior year must submit a
funding determination request by February 1 of the fiscal year prior to the year the funding
determination will be effective, when a new request is required under these regulations.
CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2012 AGENDA

SUBJECT
Assignment of Numbers for Charter School Petitions.

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) is responsible for assigning a number to each approved charter petition. The California Department of Education (CDE) staff presents this routine request for assignment of charter numbers as a standard action item.

RECOMMENDATION

The CDE recommends that the SBE assign charter numbers to the charter schools identified on the attached list.

BRIEF HISTORY OF KEY ISSUES

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 1,389 charter schools, including some approved by the SBE after denial by local educational agencies. Separate from that numbering system, 8 all-charter districts which currently serve a total of 18 school sites, have been jointly approved by the State Superintendent of Public Instruction and the SBE.

California Education Code (EC) Section 47602 requires the SBE to assign a number to each charter school that has been approved by a local entity in the chronological order in which it was received. This numbering ensures that the state stays within a statutory cap on the total number of charter schools authorized to operate. The statutory cap for fiscal year 2011–12 is 1,550. The statutory cap is not subject to waiver.

The charter schools listed in Attachment 1 were recently approved by local boards of education as noted. Copies of the charter petitions are on file in the Charter Schools Division.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for assigning a number to each approved charter petition. CDE staff presents this routine request for assignment of charter numbers as a standard action item.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state resulting from the assignment of numbers to recently authorized charter schools.

ATTACHMENT(S)

Attachment 1: Assignment of Numbers for Charter School Petitions (2 Pages)
Attachment 2: California Education Code Section 47602 (1 Page)
## Assignment of Numbers for Charter School Petitions

<table>
<thead>
<tr>
<th>Number</th>
<th>Charter Name</th>
<th>County</th>
<th>Authorizing Entity</th>
<th>Charter School Contact</th>
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<tbody>
<tr>
<td>1390</td>
<td>Summit Charter School</td>
<td>Trinity</td>
<td>Burnt Ranch Elementary School District</td>
<td>Sarah Supahan PO Box 39 Burnt Ranch, CA 95527</td>
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<tr>
<td>1391</td>
<td>Santa Rosa Distance Learning Center School</td>
<td>Sonoma</td>
<td>Santa Rosa High School District</td>
<td>Rachael Ayre 211 Ridgeway Avenue Santa Rosa, CA 95401</td>
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<tr>
<td>1392</td>
<td>Millennium Charter High School</td>
<td>Monterey</td>
<td>Monterey County Office of Education</td>
<td>Hamish Tyler 901 Blanco Circle Salinas, CA 93901</td>
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<td>1393</td>
<td>Rocketship Six Elementary School</td>
<td>Santa Clara</td>
<td>Santa Clara County Office of Education</td>
<td>Adele McCarthy-Beauvais 420 Florence Street, Suite 300 Palo Alto, CA 94301</td>
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<tr>
<td>1394</td>
<td>Rocketship Seven Elementary School</td>
<td>Santa Clara</td>
<td>Santa Clara County Office of Education</td>
<td>Adele McCarthy-Beauvais 420 Florence Street, Suite 300 Palo Alto, CA 94301</td>
</tr>
<tr>
<td>1395</td>
<td>Almond Acres Charter Academy</td>
<td>San Luis Obispo</td>
<td>San Miguel Joint Union School District</td>
<td>Jill Ogorsolka 2213 Olive Street Paso Robles, CA 93446</td>
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<tr>
<td>1396</td>
<td>Sierra Foothill Charter School</td>
<td>Mariposa</td>
<td>Mariposa County Unified School District</td>
<td>Jill Harry PO Box 36 Catheys Valley, CA 95306</td>
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<tr>
<td>1397</td>
<td>Santa Rosa French-American Charter School</td>
<td>Sonoma</td>
<td>Santa Rosa City Elementary School District</td>
<td>Gail Eagan 211 Ridgeway Avenue Santa Rosa, CA 95401</td>
</tr>
<tr>
<td>1398</td>
<td>California Connections Academy @ Ripon</td>
<td>San Joaquin</td>
<td>Ripon Unified School District</td>
<td>Bill Crockett 26800 Aliso Viejo Parkway, Suite 120 Aliso Viejo, CA 92656</td>
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<tr>
<td>1399</td>
<td>100 Black Men of the Bay Area Community School</td>
<td>Alameda</td>
<td>Oakland Unified School District</td>
<td>Mark Alexander 1638 12th Street Oakland, CA 94607</td>
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<tr>
<td>1400</td>
<td>Clayton Valley Charter High School</td>
<td>Contra Costa</td>
<td>Contra Costa County Office of Education</td>
<td>Neil McChesney 1101 Alberta Way Concord, CA 94521</td>
</tr>
<tr>
<td>Number</td>
<td>Charter Name</td>
<td>County</td>
<td>Authorizing Entity</td>
<td>Charter School Contact</td>
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<tr>
<td>1401</td>
<td>USC Hybrid High</td>
<td>Los Angeles</td>
<td>Los Angeles Unified School District</td>
<td>David Dwyer 3470 Trousdale Parkway, Waite Phillips Hall, Suite 502A Los Angeles, CA</td>
</tr>
</tbody>
</table>
California Education Code Section 47602

47602. (a) (1) In the 1998-99 school year, the maximum total number of charter schools authorized to operate in this state shall be 250. In the 1999-2000 school year, and in each successive school year thereafter, an additional 100 charter schools are authorized to operate in this state each successive school year. For the purposes of implementing this section, the State Board of Education shall assign a number to each charter petition that it grants pursuant to subdivision (j) of Section 47605 or Section 47605.8 and to each charter notice it receives pursuant to this part, based on the chronological order in which the notice is received. Each number assigned by the state board on or after January 1, 2003, shall correspond to a single petition that identifies a charter school that will operate within the geographic and site limitations of this part. The State Board of Education shall develop a numbering system for charter schools that identifies each school associated with a charter and that operates within the existing limit on the number of charter schools that can be approved each year. For purposes of this section, sites that share educational programs and serve similar pupil populations may not be counted as separate schools. Sites that do not share a common educational program shall be considered separate schools for purposes of this section. The limits contained in this paragraph may not be waived by the State Board of Education pursuant to Section 33050 or any other provision of law.

(2) By July 1, 2003, the Legislative Analyst shall, pursuant to the criteria in Section 47616.5, report to the Legislature on the effectiveness of the charter school approach authorized under this part and recommend whether to expand or reduce the annual rate of growth of charter schools authorized pursuant to this section.

(b) No charter shall be granted under this part that authorizes the conversion of any private school to a charter school. No charter school shall receive any public funds for a pupil if the pupil also attends a private school that charges the pupil's family for tuition. The State Board of Education shall adopt regulations to implement this section.